

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA,) No. 12 CR 872
5)
6 vs.) Chicago, Illinois
7)
8 CHERRON MARIE PHILLIPS,)
9) June 16, 2014
10) 9:00 a.m.
11 Defendant.)

12 VOLUME 1A
13 TRANSCRIPT OF PROCEEDINGS
14 BEFORE THE HONORABLE MICHAEL J. REAGAN AND A JURY

15 APPEARANCES:

16 For the Government: MR. NATHAN D. STUMP
17 (United States Attorney's Office,
18 9 Executive Drive,
19 Fairview Heights, Illinois 62208)

20 For the Defendant: MS. LAUREN WEIL SOLOMON
21 (Lauren Weil Solomon,
22 P.O. Box 2013,
23 Highland Park, Illinois 60035)

24 PATRICK J. MULLEN
25 Official Court Reporter
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1 (Proceedings in open court. Venire out.)

2 THE CLERK: 12 CR 872, U.S.A. versus Phillips.

3 THE COURT: This case is set for trial this morning.

4 The United States is represented by Mr. Stump. Good morning.

5 MR. STUMP: Good morning, Your Honor.

6 THE COURT: Ms. Solomon is here for the defendant.

7 Good morning.

8 MS. SOLOMON: Good morning, Judge.

9 THE COURT: And Ms. Phillips is here. The first
10 order of business is something that was just handed to me by
11 Ms. Phillips, not through counsel.

12 Have you had a chance to look at it, Mr. Stump? I
13 believe it could be characterized as a notice of appeal, but
14 I'm not certain.

15 MR. STUMP: Your Honor, I did flip through it.

16 THE COURT: Your position?

17 MR. STUMP: Your Honor, I believe this has already
18 been addressed by the Court. This is merely repetitive of what
19 was previously filed. I'd reference my own motion to deny her
20 request for a stay pending appeal as well as the order that was
21 docketed by the Court coming to the same conclusion, which is
22 that the issue is frivolous. The issue of jurisdiction is
23 preserved for appeal, but it's not a proper subject of an
24 interlocutory appeal at this time.

25 THE COURT: Ms. Solomon?

1 MS. SOLOMON: Your Honor, I have not been given a
2 copy of it. I have not reviewed it.

3 THE DEFENDANT: Judge, may I?

4 THE COURT: No, you may not. You're represented by
5 counsel.

6 Apparently the defendant has requested a writ of
7 mandamus, appealing the Court's decision that it enjoys subject
8 matter jurisdiction and personal jurisdiction over the
9 defendant. There was a previous notice of appeal filed. I
10 entered a memorandum order regarding that, docket 139, I
11 believe. Subsequent to that, the Seventh Circuit Court of
12 Appeals denied a stay in this case, allowing the case to
13 proceed to trial.

14 I reiterate my analysis from that order. It is my
15 conclusion that this case should proceed forward and that the
16 defendant's interlocutory appeal or the attempt to appeal is
17 frivolous in nature, an attempt to continue this case or to
18 judge-shop. As a result, I'm going to proceed forward with the
19 trial unless and until the Court of Appeals concludes that
20 there ought to be a stay granted.

21 So having said that, I think the next order of
22 business before I bring the jury up here is the defendant's
23 motion in limine. Rather than discuss this --

24 THE DEFENDANT: Your Honor, may I just --

25 THE COURT: Ma'am, you may not speak. I don't want

1 to have to tell you again that you may not speak. This is not
2 your turn. I'm talking now. There will be an opportunity for
3 you to speak through counsel.

4 With respect to the defense motion in limine, what I
5 suggest is that unless you intend to get into this during voir
6 dire that we take it up in the future.

7 MR. STUMP: That's fine, Your Honor.

8 THE COURT: Is there anything else we need to take up
9 before I bring the jury up?

10 MS. SOLOMON: Just for the record, Your Honor, I
11 would like it to be known that I have not had any contact with
12 Ms. Phillips since the pretrial conference and that she has not
13 assisted in the defense.

14 THE COURT: Okay. Have you attempted to talk to her
15 and discuss the matter with her?

16 MS. SOLOMON: On many occasions.

17 THE COURT: All right. Please be seated.

18 THE DEFENDANT: Just for the record, I do not consent
19 to these proceedings.

20 (Discussion off the record.)

21 THE COURT: All right. We'll bring the jury up. As
22 I have indicated in further orders, Ms. Phillips, you have an
23 absolute right to be present for these proceedings. You are
24 speaking through counsel, and I understand that's over your
25 objection.

1 If, however, you act out and are disruptive in this
2 case, your right to be present could be revoked. So you should
3 consider this a warning. Any acting out on your part and
4 speaking at any time inappropriately will be a consideration by
5 me of your indication that you agree that you can removed from
6 the proceedings.

7 THE DEFENDANT: Judge, can I ask, would that mean you
8 will be accepting liability for this matter if I take issue
9 with this case?

10 THE COURT: Ma'am, I don't answer questions by pro se
11 defendants. You must speak through counsel. So please be
12 seated, and we'll get the jury up here.

13 (Discussion off the record.)

14 THE COURT: Counsel, when we present the chart to
15 you, the numbers are a little different than I had told you.
16 Juror number 1 is going to be in the bottom left, and then it
17 goes to the right.

18 MR. STUMP: Yes, sir.

19 THE COURT: Then we're going to put the balance of
20 the jurors back on the right-hand side.

21 Sir, in the back, would you mind moving over to where
22 you were originally? We're going to put all the jurors on that
23 side.

24 (Brief pause. Venire in.)

25 THE COURT: Good morning. We'll be with you in just

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1 a moment.

2 (Discussion off the record.)

3 THE COURT: Good morning, folks. I'm Judge Michael
4 Reagan. As we get started with our proceedings today, we've
5 got a seating chart. So if you would come forward in the order
6 I address you, we've got a specific seat here for everybody so
7 that we know who you are. Okay? So looking at the numbers on
8 your badge, could I have juror number 7, then 6 and 5 -- oh, we
9 have two 6s? Oh, could you be 9?

10 PROSPECTIVE JUROR 9: Yes.

11 THE COURT: Okay. Stay here. We're getting off to a
12 good start. So 5, 4, 3, 2, 1, and then 14, 13, 12, 11. 14 is
13 in the back right. Then 10, 9, and 8. Actually, I'm sorry. 9
14 is there, and 10 is there (indicating). Okay. Folks, if
15 you'll all just stand up and move over a little bit, thank you.

16 Then in the front row over in the right-hand corner,
17 20, 19, 18, 17, 16, 15. So you're over on the far right, and
18 then 16, 15. Okay?

19 Back in this next row then, it's 26, 25, 24, 23, 22,
20 21. This is all going to make sense eventually.

21 The next row is 32, 31, 30, 29, 28, 27, and then the
22 very last row is 36, 35, 34, 33.

23 (Discussion off the record.)

24 THE COURT: Welcome, folks. I'm Judge Michael
25 Reagan. I'm a United States District Judge on assignment here

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1 from the Southern District of Illinois. I actually sit in East
2 St. Louis, Illinois. It's not uncommon for the Chief Justice
3 of the Seventh Circuit Court of Appeals to assign me to
4 different courts. Those of us in the federal system under
5 Article III have jurisdiction all over the country, so I've
6 been called to assist with this particular case.

7 Although you're in Judge Feinerman's courtroom, I'm
8 not Judge Feinerman. But you might remember this name so that
9 when you have to come back, if you have to come back, this is
10 his courtroom. It's 2125. You've been summoned for jury duty
11 in this case which should conclude this week.

12 First of all, let me set your mind at ease a little
13 bit. It's not a death penalty case, so you don't worry about
14 that. We don't sequester people, so you're not going to have
15 to spend the night. In fact, in about 40 years in the law
16 business, I've never seen a jury sequestered.

17 So one thing we're going to do this morning is engage
18 in a procedure called a voir dire. This is a criminal case,
19 and I'll be telling you a lot more about it as we go through
20 the proceedings. There are basically eight parts to a trial.
21 The first is this section. It's called voir dire. That's
22 French for to speak the truth.

23 I'm going to be asking you some questions that touch
24 on your qualifications to sit as a juror in this case. Then
25 the Government will be permitted to ask questions, and defense

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1 counsel will be able to ask questions, also. It's not our
2 intention to pry into your personal lives, but the parties have
3 a right to know a little bit about you to see if you can be
4 fair and impartial jurors in this particular case.

5 If at any time I or any of the attorneys touch on
6 anything that you just think is too personal to discuss in
7 front of the other jurors, that's fine. Just don't answer. At
8 the conclusion of the proceedings this morning, I'll ask you to
9 stay behind. Then we'll bring you out, and we'll discuss that
10 issue confidentially. It will be here in open court and on the
11 record, but the other jurors will not be present.

12 At this time, I'll ask if you'll please stand and
13 take an oath to either swear or affirm that you'll answer our
14 questions truthfully.

15 THE CLERK: Please raise your right hand.

16 (Venire duly sworn.)

17 THE COURT: Okay. Please be seated.

18 So this "voir dire" comes from a French word and,
19 interestingly enough, the English system actually was held in
20 French for many hundreds of years before we took it over. So
21 that's why we have this French proceeding called the voir dire
22 in our court here today.

23 People serve their country in many ways, in the
24 military, public service, civil service, and volunteerism.
25 Jury selection and service is one way you serve your country.

Jury Selection

1 I recognize it's involuntary. We're going to pay you 40 bucks
2 a day and mileage. I recognize that's certainly not enough for
3 the important function you're going to serve.

4 The jury system in criminal cases goes back to the
5 original Constitution. Defendants in criminal cases have a
6 right to a trial by jury. In fact, when the original
7 Constitution was proposed, it didn't have enough detail about
8 jury service. So the Sixth Amendment was added to include such
9 things as speedy trial and the right to counsel.

10 You might wonder why you're here and why I'm here.
11 Well, I was appointed by President Clinton under Article III of
12 the Constitution. As you know, the first three articles of the
13 Constitution include Article I, which set up Congress, Article
14 II set up the Executive Branch, and Article III set up the
15 judiciary.

16 There is a statute that the Congress passed called
17 the Jury Act. In it, I'm not permitted to excuse any of you
18 from jury service unless it amounts to undue hardship or
19 extreme inconvenience. I've interpreted that to mean that if
20 you're a sole caregiver for a person who can't be left alone,
21 if you have prepaid non-refundable travel plans or medical
22 procedures that can't be rescheduled, that in my view would be
23 undue hardship and extreme inconvenience. Otherwise, we're
24 going to have to keep you here if you are chosen as a juror.

25 My goal is to obtain fair and impartial jurors so

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1 that both sides in this case have a level playing field. The
2 jury will decide whether or not the defendant is guilty or
3 innocent. I'll decide all of the issues of law.

4 In terms of your service, I have to tell you that I
5 sat on a jury myself back when I was a lawyer. I was called
6 into the federal court. In fact, it's the courtroom that I now
7 sit in, which is kind of interesting. I remember the judge at
8 that time was Judge Riley, who I ultimately succeeded. As I
9 came into the courtroom, he said: I'm sure he'd be a great
10 juror.

11 I didn't think either side would take me in that
12 criminal case because I was a former police officer, so I
13 didn't think the defendants would want me, and I've done
14 prosecution work, so I didn't think that the Government would
15 want me. Well, lo and behold, I sat on the jury. We got to
16 the fourth day of deliberations, it was late in the day, and we
17 decided the particular case.

18 Then one of my co-jurors said: Can we wait and
19 announce our verdict tomorrow rather than today?

20 Then I said: Well, why?

21 He said: I'm a truck driver, and I make more money
22 at 40 bucks a day -- and at that time 35 cents a mile -- than I
23 do driving my truck. So if we come back tomorrow, I'll make
24 more money by sitting here.

25 So I said: Well, I'm a lawyer. I make more money by

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1 working. So how about if I give you 40 bucks a day and we go
2 home?

3 Of course, I was just kidding.

4 Then as recently as last year, I was summoned to
5 state court for jury duty. Frankly, I could have gotten out by
6 making a phone call to the chief judge and saying: Look, I've
7 got my own docket here.

8 I didn't do that because I wanted to be able to look
9 at all of you and say that I did my part. So for three days I
10 went to court and never got called. They sent me home the
11 fourth day. When I got back to the courthouse, they called me
12 back and said: We need you.

13 So I came back. It turned out it was a criminal
14 case, and both the prosecutor and the defense lawyer had been
15 former law clerks of mine. Neither of them wanted me as a
16 juror, and so I was sent home. So the bottom line is it's a
17 duty. I understand it's a hardship, but we certainly can't do
18 our work without you.

19 So let me tell you a little bit about this case.
20 First of all, everything I tell you is not evidence. It's just
21 to give you some general background information. The evidence
22 you'll hear will come from the witness stand in the form of
23 under-oath testimony, direct examination, cross-examination,
24 any exhibits I admit, and any agreements that the parties make
25 that I tell you that you can consider as evidence.

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1 This is a criminal case brought by the United States
2 against the defendant, Cherron Marie Phillips, also known as
3 Cherron Phillips El, River Tali El Bey, River Tali Bey, River
4 Tali, and River.

5 The United States alleges on specific dates in March
6 and April of 2011 Ms. Phillips, with some assistance from other
7 people, knowingly filed or attempted to file false liens
8 against the property of 12 people, all of whom are alleged to
9 have been officers and employees of the United States.

10 The liens were allegedly filed with the Cook County
11 Recorder of Deeds in retaliation for the federal investigation
12 and prosecution of the defendant's brother, Devon Phillips,
13 here in Chicago. Each lien claimed that the named official
14 owed the defendant's brother \$100 billion.

15 The United States alleges that the defendant targeted
16 the named officials because of their association with her
17 brother's criminal case and that the filing of the liens
18 violated federal criminal law. The defendant denies these
19 charges against her.

20 So that's just a little bit of information about the
21 case. In this case, the United States is represented by
22 Assistant United States Attorney Nathan Stump. The case agent
23 in this case, that is, the individual in charge of marshalling
24 the evidence in the case, is FBI Agent Josh Rongitsch.

25 I'm going to refer to the jury box and the gallery.

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1 Okay? In the jury box, do any of you know either Mr. Stump or
2 Mr. Rongitsch?

3 (No response.)

4 THE COURT: How about anybody back in the gallery?

5 (No response.)

6 THE COURT: The defendant in this case is, as I
7 indicated, Ms. Phillips, and she's represented in this case by
8 attorney Lauren Solomon. Do any of you know either Ms. Solomon
9 or Ms. Phillips in the jury box?

10 (No response.)

11 THE COURT: How about back in the gallery?

12 (No response.)

13 THE COURT: We've asked you to fill out
14 questionnaires, and you've been assigned numbers. All of these
15 proceedings in federal are open to the public and are actually
16 eventually uploaded for the world to see. Because of that, in
17 order to protect your identities, I've assigned you these
18 numbers.

19 Nobody is going to refer to your name here in open
20 court. We have a cross-reference so that we know who you are,
21 but that will be sealed so that only court personnel can get
22 it. The forms that you filled out are the property of the
23 court. No one is allowed to take any notes from them, put down
24 any personal information about you in their private notes.

25 Once we've completed the jury selection process

Jury Selection

1 today, I will collect those documents, and they will be
2 destroyed. So all of that information is confidential. We
3 have you fill that out, though, because it does tend to speed
4 up the procedure. So that's the information, and that's why we
5 have the numbers that have been assigned to you.

6 So let me start out by asking those of you in the
7 gallery, do any of you have any close friends or relatives who
8 work for any federal law enforcement agency? There I'm talking
9 about the FBI, the Drug Enforcement Administration, the Postal
10 Inspection Service, the Internal Revenue Service Criminal
11 Division, anyone like that. Anybody in the jury box?

12 PROSPECTIVE JUROR 11: Yes.

13 THE COURT: Okay, Juror 11. Could you tell us who
14 that is, please? Now, you're our first juror, so you have to
15 be the role model. You have to speak loud because everything
16 is being taken by the court reporter. If he can't hear you,
17 he's going to give me a nasty look, and then I'm going to have
18 to ask you to speak up. Then if you don't speak up loud
19 enough, I'll ask you to stand up. If that doesn't work, I'll
20 get a microphone. So the pressure is on.

21 PROSPECTIVE JUROR 11: My brother-in-law works, and
22 he's associated with Homeland Security.

23 THE COURT: Okay. Is there anything about that
24 relationship or anything about his job that you think would
25 affect your ability to be fair and impartial in this case?

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1 PROSPECTIVE JUROR 11: No.

2 THE COURT: Okay. Anybody else in the juror box?

3 PROSPECTIVE JUROR 6: Yes.

4 THE COURT: Okay, Juror 2 -- I'm sorry -- 6.

5 By the way, in my courtroom, the numbers are
6 backwards, so I can tell you right now I'm going to call you by
7 the wrong numbers. Juror 1 is actually 7 where I come from.
8 So Juror 6?

9 PROSPECTIVE JUROR 6: My brother-in-law is assistant
10 police chief in Rockford, and he'S on the SWAT team out there.

11 THE COURT: Okay. Is there anything about that
12 relationship or his job or any discussions with him that you
13 think would affect your ability to be fair and impartial here?

14 PROSPECTIVE JUROR 6: No.

15 THE COURT: Anybody else in the jury box?

16 (No response.)

17 THE COURT: How about back there in the gallery?

18 PROSPECTIVE JUROR 16: Yes.

19 THE COURT: All right, Juror 16. Tell us about it.

20 PROSPECTIVE JUROR 16: I work for --

21 THE REPORTER: I'm sorry.

22 THE COURT: Okay. You'll have to speak louder.

23 PROSPECTIVE JUROR 16: I'm with the Department of
24 Homeland Security. I work for them.

25 THE COURT: Okay. What do you do for Homeland

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1 Security?

2 PROSPECTIVE JUROR 16: I work for TSA.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 16: I'm at the airport, but not in
5 the public. I'm underneath. You don't see me.

6 THE COURT: Oh, okay. So you're behind the scenes.

7 PROSPECTIVE JUROR 16: Correct.

8 THE COURT: Got you. Okay. Is there anything about
9 your work or the --

10 PROSPECTIVE JUROR 16: Depends on the situation.

11 THE COURT: Okay. How about this particular case?
12 The allegation is the defendant filed a false lien.

13 PROSPECTIVE JUROR 16: Oh, it's making me a little
14 bitter if she is a --

15 THE REPORTER: I'm sorry. I can't hear you.

16 PROSPECTIVE JUROR 16: It's making me a little bitter
17 on that, to accuse somebody, to place liens on them for no
18 reason, because she's jealous or whatever it is, something with
19 her family.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 16: It pisses me off, actually.

22 THE COURT: Okay. Well, that's just an allegation.

23 PROSPECTIVE JUROR 16: Well, it's the allegation, but
24 it's kind of, you know, like pointing fingers at somebody.

25 THE COURT: Okay. You're Juror 16?

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1 PROSPECTIVE JUROR 16: Yeah.

2 THE COURT: Okay. How about anybody else in the
3 back?

4 PROSPECTIVE JUROR 15: Yes.

5 THE COURT: Okay. Juror 15?

6 PROSPECTIVE JUROR 15: My first cousin is a federal
7 prosecutor.

8 THE COURT: I can't hear you.

9 PROSPECTIVE JUROR 15: My first cousin is a federal
10 prosecutor.

11 THE COURT: Okay. Where at?

12 PROSPECTIVE JUROR 15: In D.C., outside of D.C. He's
13 in anti-terrorism.

14 THE COURT: I didn't get the city.

15 PROSPECTIVE JUROR 15: Outside of D.C.

16 THE COURT: Oh, D.C., all right. Anything about that
17 relationship that would affect your ability to be fair and
18 impartial here?

19 PROSPECTIVE JUROR 15: No.

20 THE COURT: Do you ever discuss your cousin's work
21 with him?

22 PROSPECTIVE JUROR 15: Not really, no.

23 THE COURT: Interesting cases, anything like that?

24 PROSPECTIVE JUROR 15: Not really, no.

25 THE COURT: Okay. Anybody else in the gallery?

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1 PROSPECTIVE JUROR 21: Yes.

2 THE COURT: Okay. Are you Juror 21?

3 PROSPECTIVE JUROR 21: Yes.

4 THE COURT: Okay. Could you tell us about it?

5 PROSPECTIVE JUROR 21: My sister is a prosecutor for
6 Department of Homeland Security in Washington, D.C.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 21: I don't know if counsel is
9 part of that branch as well.

10 THE COURT: Okay. Do you ever discuss the cases with
11 her?

12 PROSPECTIVE JUROR 21: No.

13 THE COURT: Okay. Can you be fair and impartial in
14 this case?

15 PROSPECTIVE JUROR 21: Yes.

16 THE COURT: Okay. Anybody else back in the gallery?

17 (No response.)

18 THE COURT: Okay. You might wonder why you got
19 called. I'm often asked that. At the conclusion, sometimes
20 the jurors -- at least in my courthouse, I give them a tour of
21 the chambers and that, and they want to know why they were
22 chosen. The fact is that we use a very complicated algorithm
23 out of Washington, D.C., and it's a combination of the driving
24 license records of the Secretary of State and the voting
25 record.

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1 So to get here you either voted, registered to vote,
2 and you drive or have a driver's license. You're over 18. You
3 have United States citizenship. You've resided in this
4 district for at least a year. You're proficient enough in
5 English to fill out our forms. You have no disqualifying
6 mental or physical condition. You are not currently subject to
7 any felony charges, and you don't have a felony on your record,
8 unless it's been legally restored. So that's how you got here.
9 It's completely random. Then once you got to this courthouse,
10 again, there was a random draw that sent you to this courtroom
11 as opposed to any others.

12 There are three groups exempt, members of the armed
13 forces on active duty, members of professional fire and police
14 departments if they request to get off, and public officials of
15 federal, state, or local governments. So, for example, I
16 cannot be a juror in a federal court.

17 So some questions now about this, related kind of to
18 this case. Do any of you in the jury box have any specialized
19 knowledge regarding commitments for title insurance, title
20 insurance policies, liens, encumbrances, or mortgages on real
21 estate? I know that's pretty broad.

22 PROSPECTIVE JUROR 12: Yes.

23 THE COURT: Okay. Are you Juror 12?

24 PROSPECTIVE JUROR 12: Yes.

25 THE COURT: Tell us what your background is.

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1 PROSPECTIVE JUROR 12: I spent 15 years as the
2 funding director for Universal Mortgage Corporation.

3 THE COURT: So you know a lot about mortgages.

4 PROSPECTIVE JUROR 12: They closed down a couple
5 years ago.

6 THE COURT: Okay. So did you have occasion to review
7 title insurance policies and title commitments?

8 PROSPECTIVE JUROR 12: Yes.

9 THE COURT: And you're familiar with liens and
10 encumbrances?

11 PROSPECTIVE JUROR 12: Yes.

12 THE COURT: Okay. Is there anything about your
13 background that you think would cause you to become or would
14 lead you to conclude that you cannot be fair and impartial in
15 this case?

16 PROSPECTIVE JUROR 12: The company I worked for all
17 those years closed down because the accounting department
18 embezzled \$8 million.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 12: So I have a problem with
21 people placing liens that should be banned.

22 THE COURT: Okay. Anybody else in the jury box with
23 specialized knowledge regarding liens, encumbrances, mortgages,
24 that type of thing?

25 (No response.)

Jury Selection

1 THE COURT: How about back in the gallery?

2 PROSPECTIVE JUROR 26: Yes.

3 THE COURT: Okay. Are you Juror 26?

4 PROSPECTIVE JUROR 26: Yes.

5 THE COURT: Okay. Tell us.

6 PROSPECTIVE JUROR 26: I was a loan closer for
7 Chicago Title & Trust and Continental Bank six years ago.

8 THE COURT: Okay. So Chicago Title is one of the big
9 title companies, right?

10 PROSPECTIVE JUROR 26: Right.

11 THE COURT: And they were around a long time. What
12 did you do for them?

13 PROSPECTIVE JUROR 26: I was a loan closer.

14 THE COURT: Okay. So as part of that, you would take
15 a look at the commitment for title insurance. I guess you'd
16 create it, right?

17 PROSPECTIVE JUROR 26: Yes.

18 THE COURT: Okay. If there was a lien on it, you
19 would note that, correct?

20 PROSPECTIVE JUROR 26: Correct.

21 THE COURT: Okay. All right. How long did you do
22 that?

23 PROSPECTIVE JUROR 26: About 14 years.

24 THE COURT: Okay. Is there anything about that
25 experience that you think would affect your ability to be fair

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1 and impartial here?

2 PROSPECTIVE JUROR 26: Not at all.

3 THE COURT: Okay. Anybody else back in the gallery?

4 (No response.)

5 THE COURT: Okay. I'm going to read a witness list
6 to you. Not everyone that I read to you will necessarily
7 testify, but they may. So I'm going to see if you know any of
8 these individuals. If you do, raise your hand. I'm going to
9 go three at a time. Michael Dobbins, Wendy Holderman, Thomas
10 Bruton, does anybody recognize those names?

11 (No response.)

12 THE COURT: Thomas Shakeshaft, James F. Holderman,
13 Karl Barnes, does anybody recognize those names?

14 (No response.)

15 THE COURT: Okay. Joan Humphrey Lefkow, Patrick
16 Fitzgerald, Arlander Keys, does anybody recognize those names
17 or any of them?

18 (No response.)

19 THE COURT: Geraldine Soat Brown, Justin Williams,
20 Noel Sanchez, anybody recognize those names?

21 (No response.)

22 THE COURT: Eric Cato, C-a-t-o, Andre Thompson, Kevin
23 Powers, anybody recognize those names?

24 (No response.)

25 THE COURT: Robert Simmons, Monte Swank, Michael

Jury Selection

1 Rees, R-e-e-s, anybody recognize those names?

2 (No response.)

3 THE COURT: Okay. In this case, there will be some
4 individuals testifying who are federal judges. There will be a
5 former United States Attorney testifying. There will be law
6 enforcement personnel testifying as well as others. A person's
7 occupation does not mean that they are entitled to any more
8 believability or credibility than the baker, the butcher, or
9 the candlestick maker.

10 So just because somebody comes in and testifies that
11 they are the former chief judge of the Northern District of
12 Illinois or the former United States Attorney does not mean
13 that you are required to believe them or to consider them to be
14 credible. In other words, before people take that witness
15 stand, they're all considered equal. The jurors decide which
16 testimony to accept and reject in whole or in part.

17 Do any of you in the jury box have any problem with
18 that idea?

19 (No response.)

20 THE COURT: How about back in the gallery?

21 (No response.)

22 THE COURT: Okay. In this case, a criminal case in
23 federal court, the Government has the burden of proving certain
24 things. In other words, it's up to them to prove things to you
25 beyond a reasonable doubt. If they fail in proving everything

Jury Selection

1 required of them, you must find the defendant not guilty. Do
2 any of you in the jury box have a problem with the Government
3 being required to prove someone guilty beyond a reasonable
4 doubt?

5 (No response.)

6 THE COURT: How about back in the gallery?

7 (No response.)

8 THE COURT: Okay. Another basic premise of our
9 criminal law is that the defendant is presumed innocent. The
10 defendant is here because a grand jury issued a document called
11 an indictment. That is a proceeding that is held in secret.
12 The defendant didn't have a right to be there. The defendant
13 didn't have a lawyer there. It was a one-sided proceeding
14 whereby the grand jury determined that there was enough
15 evidence for the case to proceed to this point. The grand jury
16 indictment is not evidence. It is not any indication of guilt
17 whatsoever. It is merely the document that brings someone
18 officially into court.

19 Do any you have any problem with the presumption of
20 innocence? That is, as she sits here today, Ms. Phillips is
21 presumed innocent of the allegations against her, and unless
22 and until the Government meets its burden of proof beyond a
23 reasonable doubt, she is presumed innocent of the charges. Do
24 any of you have a problem with that concept in the jury box?

25 (No response.)

Jury Selection

1 THE COURT: Anybody back In the gallery?

2 (No response.)

3 THE COURT: Okay. So if we were all to vote right
4 now on is she guilty or is she innocent, we would find her
5 innocent because she is presumed innocent of the charges
6 against her.

7 Additionally, there's another premise that's very
8 important, and that is that a defendant in criminal court has a
9 right to testify if they want to or a right not to testify.
10 They have a right to call witnesses and offer exhibits or to do
11 nothing. Because the Government has the burden of proving
12 their guilt, the defendant doesn't have to prove or disprove
13 anything.

14 Do any of you have any problem with the fact that the
15 defendant has an absolute right not to testify, and if she
16 chooses not to testify you can't consider that at all in
17 arriving at your verdict? In fact, I would instruct you that
18 you can't even discuss the fact that she chose not to testify
19 if that's the course she chose. Do any of you have a problem
20 with that? Sometimes it's called the Fifth Amendment
21 privilege, the privilege against self-incrimination. Do any of
22 you have a problem with that basic criminal premise? Anybody
23 in the jury box?

24 (No response.)

25 THE COURT: How about back in the gallery?

Jury Selection

1 (No response.)

2 THE COURT: Okay. The term "sovereign citizen,"
3 s-o-v-e-r-e-i-g-n, is sometimes used to describe a broad range
4 of people who for one reason or another claim that they are a
5 sovereign nation, separate and apart from the land where they
6 live. Sovereign citizens typically claim that they are not
7 subject to the laws of their government. Instead, they claim
8 to be covered by something they call, quote, common law, closed
9 quote. Is there anyone in the jury box who considers yourself
10 to be a sovereign citizen as I have described it?

11 (No response.)

12 THE COURT: How about anybody back in the gallery?

13 (No response.)

14 THE COURT: All right. Is there anybody in the jury
15 box who believes in the sovereign citizen ideology, that is,
16 that people should be able to live in a country without being
17 subject to that country's laws? Anybody in the jury box?

18 (No response.)

19 THE COURT: How about anybody back in the gallery?

20 (No response.)

21 THE COURT: Okay. Have any of you in the jury box
22 heard or read anything about sovereign citizens?

23 (No response.)

24 THE COURT: How about back in the gallery?

25 PROSPECTIVE JUROR 16: Me.

Jury Selection

1 THE COURT: Juror 16? Okay.

2 In the jury box, do any of you know any judges, state
3 court, city judges, or federal judges?

4 PROSPECTIVE JUROR 12: I do.

5 THE COURT: Okay. Juror 12?

6 PROSPECTIVE JUROR 12: Yes.

7 THE COURT: Tell us who you know.

8 PROSPECTIVE JUROR 12: My girlfriend's brother is a
9 lawyer, and his wife is a judge. Her first name is Diane.

10 THE COURT: Okay. Which court is she a judge in?

11 PROSPECTIVE JUROR 12: Cook County.

12 THE COURT: In Cook County? Okay. In the city
13 court?

14 PROSPECTIVE JUROR 12: State.

15 THE COURT: State court, okay. Do you know what
16 division she works in?

17 PROSPECTIVE JUROR 12: No, I don't.

18 THE COURT: Okay. Do you ever have occasion to talk
19 to her about her cases or her work?

20 PROSPECTIVE JUROR 12: No.

21 THE COURT: Okay. Does anybody else in the jury box
22 know any judges?

23 (No response.)

24 THE COURT: How about back in the gallery?

25 PROSPECTIVE JUROR 28: Yes.

Jury Selection

1 THE COURT: Okay. Juror 22 is it?

2 PROSPECTIVE JUROR 28: 28.

3 THE COURT: Oh, sorry. 28, okay. Tell us about it.

4 PROSPECTIVE JUROR 28: His name is Steven Brodie in
5 Cook County, I believe.

6 THE COURT: Okay. How do you know Mr. Brodie?

7 PROSPECTIVE JUROR 28: A college friend of mine.

8 THE COURT: Okay. Do you ever discuss cases with
9 him?

10 PROSPECTIVE JUROR 28: No.

11 THE COURT: Okay. Anybody else?

12 (No response.)

13 THE COURT: Those of you in the jury box, do you know
14 any Federal Government employees? Let's take the first row.
15 Federal Government employees?

16 PROSPECTIVE JUROR 1: Yes.

17 THE COURT: Juror 1.

18 PROSPECTIVE JUROR 1: He's a prosecutor, and I
19 volunteer at PADS with him.

20 THE COURT: Okay. Tell me what PADS is?

21 PROSPECTIVE JUROR 1: Pardon me?

22 THE COURT: What is PADS?

23 PROSPECTIVE JUROR 1: PADS is Public Action to
24 Deliver Shelter. It's a homeless shelter.

25 THE COURT: Okay. So this is a federal prosecutor.

Jury Selection

1 You do this volunteer work, and he happens to be a federal
2 prosecutor.

3 PROSPECTIVE JUROR 1: He's on the same team that I'm
4 on.

5 THE COURT: Okay. What's his name?

6 PROSPECTIVE JUROR 1: Matt Schneider.

7 THE COURT: Okay. Do you ever discuss any cases with
8 him?

9 PROSPECTIVE JUROR 1: No.

10 THE COURT: Okay. You just know that happens to be
11 his occupation.

12 PROSPECTIVE JUROR 1: Yes.

13 THE COURT: Okay. How about the second row in the
14 jury box? Do you know any Federal Government employees?

15 PROSPECTIVE JUROR 11: Yes.

16 THE COURT: Okay. Juror 11?

17 PROSPECTIVE JUROR 11: Yes. I know the regional
18 inspector general for the Department of Health and Human
19 Services.

20 THE COURT: All right. How do you know that person?

21 PROSPECTIVE JUROR 11: She's a good friend.

22 THE COURT: Okay. Anybody else in the jury box?

23 (No response.)

24 THE COURT: How about the front row of the gallery?

25 Number 16, I know you know a lot of federal employees. You

Jury Selection

1 work with a lot of them.

2 PROSPECTIVE JUROR 16: A real lot.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 16: I'll just give you Kathy

5 Piotrowski. She's in charge of O'Hare.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 16: And Robert Cahill, he's from

8 D.C. He's in Homeland Security.

9 THE COURT: Okay. I just went through O'Hare Friday.

10 It's a big airport.

11 PROSPECTIVE JUROR 16: You should have come down by

12 the airplanes.

13 THE COURT: Well, I went through the international

14 wing. Now they have the automatic passport, but then you still

15 have to see two more people. I don't know. I had nothing to

16 declare, though.

17 Anybody else in the front row know any federal

18 employees?

19 (No response.)

20 THE COURT: How about the second row?

21 PROSPECTIVE JUROR 21: Yes.

22 THE COURT: Juror 22? I'm sorry. 21.

23 PROSPECTIVE JUROR 21: An attorney,

24 a sibling.

25 THE REPORTER: I'm sorry?

Jury Selection

1 THE COURT: It's an attorney who's a sibling.

2 Okay. Anybody else in the second row?

3 (No response.)

4 THE COURT: How about the third row?

5 (No response.)

6 THE COURT: Does the fourth row know any federal

7 employees?

8 (No response.)

9 THE COURT: Okay. I'm going to now ask you what your
10 main source of news is. Okay? What I'm going to do is give
11 you four choices: print, television, Internet, or radio. I
12 just want your main source of news. If you just hold your hand
13 up until I tell you to stop, we're going to kind of take notes
14 as to who raised their hand. So who gets their main source of
15 news from the print, such as newspapers?

16 (Prospective Jurors 2, 14, and 28 raise their hands.)

17 THE COURT: Okay. So who gets your main source of
18 news from television? Just raise your right hand. Oh, do you
19 know what? We can't see. Those of you in the back, could you
20 stand up, and could you one at a time tell us what your numbers
21 are?

22 PROSPECTIVE JUROR 31: 31.

23 PROSPECTIVE JUROR 30: 30.

24 PROSPECTIVE JUROR 29: 29.

25 PROSPECTIVE JUROR 35: 35.

Jury Selection

1 PROSPECTIVE JUROR 36: 36.

2 THE COURT: Okay. Thank you. And you are juror
3 number?

4 PROSPECTIVE JUROR 27: 27.

5 THE COURT: 27, okay. Then we had Juror 19?

6 PROSPECTIVE JUROR 18: 18.

7 THE COURT: 18, okay. Sorry. 18, 19, and 20?

8 PROSPECTIVE JUROR 19: Yes.

9 PROSPECTIVE JUROR 20: Correct.

10 THE COURT: Okay. And I think Juror 1. Did you have
11 your hand up, too?

12 PROSPECTIVE JUROR 1: Yes.

13 THE COURT: All right. Then the third choice is who
14 gets your main source of news from the Internet? Okay. That's
15 a lot of people. Just let me read the numbers: 7, 6, 5, 4,
16 13, 12, 11, 9, 8, 16, 15. I can't tell your numbers. We have
17 Juror 21, and is it 23?

18 PROSPECTIVE JUROR 22: 22.

19 THE COURT: 22, 23, 24. Then way in the back are you
20 34?

21 PROSPECTIVE JUROR 34: 34.

22 THE COURT: Thank you. Then the last choice is who
23 gets their main source of news from the radio.

24 (No response.)

25 THE COURT: Nobody? Okay. Radio is dying, I guess.

Jury Selection

1 The Internet looks like it's alive and well, which brings me to
2 this point. As jurors and as potential jurors, you must not do
3 any independent research regarding this case. You can't get on
4 Google and put my name in or the prosecutor or Ms. Phillips or
5 "sovereign citizen" or anything like that, because we want you
6 to get information that is tested by cross-examination and
7 under oath. That's why it must come from the witness stand.

8 So there will be a special instruction that I'll give
9 those of you who sit as jurors. We'll be taking a break before
10 you actually are chosen, and so I would caution you to please
11 don't use the Internet to do any research, to discuss this
12 matter with anybody, texting, Facebooking, anything like that.

13 Those of you who indicated you use the Internet for
14 your main source of news, let's take the front row. Could you
15 tell me which websites you regularly use to do that? Let's
16 take the front row, if you could raise your hands, those of you
17 who -- okay. Juror 6 we'll start with -- or 7. What websites?

18 PROSPECTIVE JUROR 7: Just whatever shows up on
19 Yahoo.

20 THE COURT: Okay. Yahoo's main page, and then you go
21 to whatever feed they suggest?

22 PROSPECTIVE JUROR 7: Yes.

23 MS. SOLOMON: I'm sorry, sir. Could you speak up?

24 THE COURT: He said whatever shows up on Yahoo.

25 Okay. Juror 6?

Jury Selection

1 PROSPECTIVE JUROR 6: The NPR and CNN app.
2 THE COURT: Okay, NPR and CNN. 5?
3 PROSPECTIVE JUROR 5: Whatever shows up on Reddit.
4 THE COURT: Okay. I've heard of Rennit, but I don't
5 get on it. Is that R-e-n-n-i-t?
6 PROSPECTIVE JUROR 5: R-e-d-d-i-t.
7 THE COURT: Oh, Reddit, okay.
8 Okay. Who else, Juror 4?
9 PROSPECTIVE JUROR 4: I go with Fox News and BBC.
10 THE COURT: BBC? Okay. Anybody else in the front
11 row?
12 PROSPECTIVE JUROR 9: WGN.
13 THE COURT: Okay. Juror 9, WGN's website.
14 Juror 8?
15 PROSPECTIVE JUROR 8: MSN.
16 THE COURT: MSN, Microsoft, okay. Back row, juror
17 11?
18 PROSPECTIVE JUROR 11: NPR and CNN.
19 THE COURT: Okay. Anybody else?
20 PROSPECTIVE JUROR 10: AOL.
21 THE COURT: Okay, AOL for Juror 10. Juror 13?
22 PROSPECTIVE JUROR 13: Google.
23 THE COURT: Google, all right.
24 Let's take the front row then of the gallery. If
25 you've raised your hand that you get your main source of news

Jury Selection

1 from the Internet, please raise it again. Okay. We'll start
2 with Juror 15. What websites?

3 PROSPECTIVE JUROR 15: Yahoo, Google, Huffington
4 Post.

5 THE COURT: Okay, Yahoo, Google, Huffington Post.
6 Juror 16?

7 PROSPECTIVE JUROR 16: Yahoo, CNN, and then there's a
8 TSA one, but you guys can't get it.

9 THE COURT: We can't get it. It's a private website.

10 PROSPECTIVE JUROR 21: Yeah.

11 THE COURT: Okay. Anybody else in the front row?

12 (No response.)

13 THE COURT: Okay. How about the second row, and
14 we'll start with juror number 21.

15 PROSPECTIVE JUROR 21: AOL, CNN, ABC, NBC.

16 THE COURT: Okay. Who else do we have, Juror 22?

17 PROSPECTIVE JUROR 22: Whatever Sprint picks up, CNN,
18 or ABC 7.

19 THE COURT: Okay. 23?

20 PROSPECTIVE JUROR 23: ABC and Wall Street Journal.

21 THE COURT: Okay. 24?

22 PROSPECTIVE JUROR 24: Yahoo.

23 THE COURT: Yahoo? All right.

24 How about the third row, your source of Internet
25 news?

Jury Selection

1 (No response.)

2 THE COURT: Nobody? Okay. Then the fourth row?

3 Okay. I can't see your number.

4 PROSPECTIVE JUROR 34: 34.

5 THE COURT: Okay. What sites?

6 PROSPECTIVE JUROR 34: Yahoo, Google, and NBC.

7 THE COURT: Okay. All right. Those of you in the
8 jury box that happen to watch YouTube with any regularity, if
9 there's any particular videos you look for, could you raise
10 your hand?

11 (No response.)

12 THE COURT: Nobody in the jury box? Okay. How about
13 in the back, in the gallery?

14 PROSPECTIVE JUROR 22: Yes.

15 THE COURT: Okay. Juror 22, is it?

16 PROSPECTIVE JUROR 22: Yes, just faith-based.

17 THE COURT: I can't hear you.

18 PROSPECTIVE JUROR 22: Faith-based.

19 THE COURT: Faith based? Okay. I use YouTube when I
20 have to fix something. Once the dryer went out, and I couldn't
21 get anybody to fix it. It happened on a weekend, and it needed
22 a belt. I don't know if you've ever tried to put a belt on a
23 dryer, I mean, it serpentine back and forth. Sure enough,
24 there was a video on YouTube on how to put a dryer belt on this
25 particular dryer. It's quite a source of information.

Jury Selection

1 There has been some publicity about this particular
2 case in the media, nothing recent that I've seen but in the
3 past. Have any of you read anything in the newspaper about
4 Ms. Cherron Phillips, the defendant in this case? Anybody in
5 the jury box?

6 (No response.)

7 THE COURT: It's either on the Internet or print.
8 How about anybody back in the gallery?

9 (No response.)

10 THE COURT: Okay. Have any of you in the jury box
11 had any experience with someone placing a lien on your
12 property? I'm not talking about a mortgage. I mean, that's a
13 kind of lien. If you buy a house, unless you've got a lot of
14 money, you have a mortgage, which is a lien. But have you had
15 any other kind of lien placed on your real estate or even your
16 personal property, anybody in the jury box?

17 (No response.)

18 THE COURT: Have you placed a lien on anybody's
19 property, anybody in the jury box?

20 (No response.)

21 THE COURT: How about back in the gallery? Have you
22 had any liens placed on your property other than normal
23 mortgages?

24 PROSPECTIVE JUROR 27: Yes.

25 THE COURT: Okay. Juror 27, is it?

Jury Selection

1 PROSPECTIVE JUROR 27: Yes. When we were building
2 our house, we went through a lawsuit with our original builder.
3 So they put a lien on it until that got resolved.

4 THE COURT: Okay. So you build a house, and you have
5 a general contractor, usually, and that general contractor
6 hires a plumber and that.

7 PROSPECTIVE JUROR 27: Yes.

8 THE COURT: Those are subs.

9 PROSPECTIVE JUROR 27: Yes.

10 THE COURT: They all have what we call mechanics
11 liens rights.

12 PROSPECTIVE JUROR 27: Yes.

13 THE COURT: So in your situation, is that what
14 happened?

15 PROSPECTIVE JUROR 27: Yes.

16 THE COURT: Okay. I'm told that there's an article
17 about this case in today's Chicago Tribune. Have any of you
18 read it? Anybody in the jury box?

19 (No response.)

20 THE COURT: Good. Don't. That's an order from the
21 Court.

22 How about back in the gallery?

23 (No response.)

24 THE COURT: Okay. The problem with the newspaper
25 article is this. My experience has been that the reporters are

Jury Selection

1 very good about reporting what they see, but they only see a
2 small bit of it. The jurors who sit on the case see the whole
3 thing, beginning to end, under-oath testimony. So that's why
4 we don't want you influenced by something you read. It's not
5 fair to the attorneys if you get information from out here
6 that's not subject to cross-examination or other information.

7 With respect to that lien in your case, Juror 27, was
8 that resolved to your satisfaction?

9 PROSPECTIVE JUROR 27: Yes.

10 THE COURT: Okay. So sometimes what happens is you
11 pay the general in full, but the general doesn't pay the subs.
12 Then they put a lien on your property.

13 PROSPECTIVE JUROR 27: Well, not only that, we sued
14 the general contractor, and he was indicted for wrongful
15 doings, not just with us, but for scheming 15 other people.

16 THE COURT: Okay. But eventually it was resolved to
17 your satisfaction?

18 PROSPECTIVE JUROR 27: Uh-huh.

19 THE COURT: Is there anything about that experience
20 that would cause you to question your fairness and impartiality
21 in this case?

22 PROSPECTIVE JUROR 27: I kind of feel towards the
23 little guy, so I don't know.

24 THE COURT: So who's the little guy, all these
25 judges?

Jury Selection

1 PROSPECTIVE JUROR 27: Usually, the home owner and
2 not the big corporations.

3 THE COURT: Okay. Can you keep that experience out
4 of your mind and treat the parties equally here and decide the
5 case based on the evidence that you hear?

6 PROSPECTIVE JUROR 27: That would be difficult to say
7 until I hear all the evidence.

8 THE COURT: Okay. That's what I want you to do, hear
9 all the evidence and not prejudge this. Can you do that?

10 PROSPECTIVE JUROR 27: Yes.

11 THE COURT: Okay. Did I miss anybody else regarding
12 the lien question, anybody in the back?

13 (No response.)

14 THE COURT: Okay. Do any of you in the jury box have
15 any special expertise in debt collection and the placing of
16 liens? Debt collection, anybody?

17 (No response.)

18 THE COURT: How about back in the gallery?

19 (No response.)

20 THE COURT: Okay. Do any of you in the jury box have
21 any religious beliefs that would preclude you from sitting in
22 judgment in this case?

23 (No response.)

24 THE COURT: Nobody? How about anybody in the back,
25 in the gallery?

Jury Selection

1 (No response.)

2 THE COURT: Okay. One thing we're going to ask you
3 to do in this case is to follow the law, even if you disagree
4 with it. Now, I took an oath back in 2000 when I first took
5 the bench that I would follow the law even if I disagreed with
6 it, and I have to tell you that on a weekly basis I see laws
7 that make me just scratch my head. How did they pass this?
8 Congress doesn't call me up and say: Hey, Reagan, what do you
9 think?

10 It doesn't work that way. I get a book that's got
11 the laws in it, and I have to interpret it. So I follow that
12 oath that I took.

13 You're going to be asked to follow the law, even if
14 you disagree with it in this case. It's tough for me to commit
15 you to that because you don't know what the law is, but you're
16 going to have to follow the law here, even if you disagree with
17 it.

18 One way to explain it is this. In Illinois, you have
19 to wear a helmet if you ride a motorcycle. In Missouri, you
20 don't. If you happen to be someone who believes you have a
21 right to wear a helmet or not wear a helmet. You've got plenty
22 of insurance so it's your own business. Could you still find
23 somebody guilty of not wearing a helmet if that was the law?
24 If you answer that question yes, then you can follow the law
25 even if you disagree with it.

Jury Selection

1 Another thing might be the seat belt law. Some
2 people don't think they should have to wear a seat belt. The
3 law is that you have to wear a seat belt. Can you follow the
4 law, even if you disagree with it?

5 You can't text and drive in Illinois. You can't use
6 a cell phone without a Bluetooth connection.

7 If you can follow the law, even though you disagree
8 with it, that's what I'm looking for. Is there anyone in the
9 jury box who cannot follow the law if you happen to disagree
10 with it?

11 (No response.)

12 THE COURT: How about back in the gallery?

13 (No response.)

14 THE COURT: Okay. Let's go to the front row. Do any
15 of you have any prior jury service?

16 PROSPECTIVE JUROR 6: Yes.

17 THE COURT: Okay. Juror 6, would you tell us about
18 it.

19 PROSPECTIVE JUROR 6: I was a grand juror for three
20 months in Kane County.

21 THE COURT: Okay. So you know it's a secret
22 proceeding, right?

23 PROSPECTIVE JUROR 6: Uh-huh.

24 THE COURT: Okay. Was that interesting?

25 PROSPECTIVE JUROR 6: It was all right.

Jury Selection

1 THE COURT: Three months.

2 PROSPECTIVE JUROR 6: Three months, yeah.

3 THE COURT: A long time.

4 PROSPECTIVE JUROR 6: Every Friday.

5 THE COURT: A long time.

6 PROSPECTIVE JUROR 6: Yeah.

7 THE COURT: You know, it's so secret that I don't

8 even know how long they meet, not even in my district. It's

9 handled by some other judge. I'm not the chief judge. I will

10 be shortly. So I don't even know. It's that secret.

11 Anybody else in the front row?

12 PROSPECTIVE JUROR 2: Yes.

13 THE COURT: Okay, Juror 2. Tell us about it.

14 PROSPECTIVE JUROR 2: It was a civil case in Cook

15 County.

16 THE COURT: Okay. Is there anything about that

17 experience that you think would affect your ability to be fair

18 and impartial here?

19 PROSPECTIVE JUROR 2: No.

20 THE COURT: Juror 1?

21 PROSPECTIVE JUROR 1: I was an alternate on a

22 coroner's jury in DuPage County.

23 THE COURT: Oh, a coroner's jury, okay.

24 How about the back row of the jury box, prior jury

25 service?

Jury Selection

1 PROSPECTIVE JUROR 8: Yes.

2 THE COURT: Okay. Juror 8?

3 PROSPECTIVE JUROR 8: I had two. One was a traffic
4 court case, and one was gender discrimination.

5 THE COURT: Okay. Was the gender discrimination in
6 federal court?

7 PROSPECTIVE JUROR 8: No.

8 THE COURT: Okay, state court.

9 PROSPECTIVE JUROR 8: Uh-huh.

10 THE COURT: Okay. Those of you in the jury box who
11 indicated you've been on juries in the past, or an alternate,
12 is there anything about that experience that you think would
13 affect your ability to be fair and impartial here?

14 (No response.)

15 THE COURT: Okay. Let's go back to the gallery.
16 Front row, anybody have prior jury service?

17 PROSPECTIVE JUROR 19: Uh-huh.

18 THE COURT: Juror 19, can you tell us about it?

19 PROSPECTIVE JUROR 8: It was civil in Cook County
20 about 10, 15 years ago.

21 THE COURT: Okay. 20?

22 PROSPECTIVE JUROR 20: It was in DuPage County about
23 four or five years ago. It was civil court.

24 THE COURT: Okay. How about the second row, prior
25 jury service?

Jury Selection

1 PROSPECTIVE JUROR 24: Yes.

2 THE COURT: Okay. Is it Juror 24?

3 PROSPECTIVE JUROR 24: Yes.

4 THE COURT: Okay. Tell us about it, please.

5 PROSPECTIVE JUROR 24: November of 2013, it was a
6 medical malpractice. It was at the Daley Center.

7 THE COURT: Okay, Downtown Chicago.

8 Who else do we have? Juror 26, is it?

9 PROSPECTIVE JUROR 26: I served twice in DuPage
10 County, malpractice, attorneys.

11 THE COURT: Okay. The third row, prior jury service,
12 Juror 28, is it?

13 PROSPECTIVE JUROR 28: Yeah. Lake County, it was
14 over ten years ago.

15 THE COURT: Okay. What kind of case was it, civil or
16 criminal?

17 PROSPECTIVE JUROR 28: Civil.

18 THE COURT: All right. Juror 32?

19 PROSPECTIVE JUROR 32: I don't know if it's
20 considered, but I was in a pre-jury selection, and after two
21 days I was dismissed.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 32: It was a DUI case in DuPage
24 County about 22 years ago.

25 THE COURT: Okay. Very good.

Jury Selection

1 Then the back row, prior jury service?

2 PROSPECTIVE JUROR 36: Yes.

3 THE COURT: Okay. Juror 36?

4 PROSPECTIVE JUROR 36: It was a criminal case down at
5 26th and California. It was a multiple murder case.

6 THE COURT: Okay, a criminal case. So those of you
7 in the gallery who have had jury service, is there anything
8 about your experience with the system that would lead you to
9 believe you cannot be fair and impartial here? If so, please
10 raise your hand.

11 (No response.)

12 THE COURT: Okay, folks. Give me a minute. I want
13 to talk to the attorneys at sidebar. That means we're going to
14 tell secrets. Okay? I'm going to keep you informed all along
15 the way, but sometimes we have to tell secrets. So I'm going
16 to tell a few secrets, and we'll get back to you. If you want
17 to stand and stretch, feel free to do so.

18 (Discussion at sidebar on the record.)

19 THE COURT: Okay. Mike tells me that he can hear us
20 through this microphone, but they can't hear us.

21 My inclination is to exclude juror 16 for cause and
22 juror 12 for cause, but I wanted to hear from you first.

23 MS. SOLOMON: I agree with you.

24 THE COURT: Let's not ask them any more questions
25 because that might poison the water.

Jury Selection

1 MR. STUMP: That's fine.

2 THE COURT: Are there any other questions you want me
3 to ask before I turn it over to you?

4 MR. STUMP: No, sir.

5 MS. SOLOMON: No.

6 THE COURT: Okay. Whenever we do sidebars, you're
7 welcome to come up here. We won't tell you not to without your
8 attorney being here.

9 THE DEFENDANT: Again, for the record, I don't
10 consent to these proceedings.

11 THE COURT: Okay.

12 (Discussion at sidebar concluded.)

13 THE COURT: Isn't that horrible noise? It's that or
14 Barry Manilow.

15 Okay. I've completed my questions. At this time,
16 I'm going to ask you to respond to the attorneys' questions.
17 Again, it's not their intention to pry. If they ask any
18 questions that you don't want to answer now, we'll get back to
19 you confidentially later.

20 Mr. Stump?

21 MR. STUMP: Thank you, Your Honor.

22 Good morning. I have a few questions, not very many.
23 One, the Judge listed out a list of folks that we expect to
24 testify. In addition to them, there may be some other names
25 that just come up throughout the trial, and I wanted to run

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1 some of them by you and see if you know them. If you could,
2 I'm just going to read through them. Just keep it in mind if
3 there's a name that you recognize or a person that you know
4 personally. Keep it in the back of your mind, and I'll ask you
5 at the very end if there was anybody. Here we go.

6 Paul Banos, Michael Biegalski, David Bird, Carrie
7 Byrne, Gilberto Calderon, Anthony Catenacci, Andrew Cramlet,
8 Felicia Dangerfield, Victor Demtschenko, Nancy DePodesta, Duane
9 Devries, Scott Eichstaedt, Tim Engel, Gabriel Fakhouri, Sheila
10 Finnegan, Daniel Glavach, Antonio Gonzalez, Albert Guarnieri,
11 Sharon Jamieson, Jesse King, Janice Martin, Mary Martin, Andrew
12 McArtor, Ginger Miller, Raquel Paredes, Wayne Phillips, Betty
13 Phillips, Eva Phillips, Kenneth Pitts, Alex Reina, Timothy
14 Robertson, Edgar Rossbach, Jr., Joe Ruiz, Patrick Sherlock,
15 Daniel Simmons, Kevin Stoll, Marilou Thomas, Gary Turlington,
16 Richard Walenda, Kenneth Wheeler, Yvette Williams, David
17 Willshaw, Michael Woods-Hawkins, Chad Yarbrough, Marny Zimmer,
18 is any of those names someone who you know personally?

19 (No response.)

20 MR. STUMP: Okay, no response. I'm going to run
21 through very quickly a few institutions that may be named. I
22 want to ask you if you have any specific feelings, really
23 strong feelings one way or the other, really positive or any
24 negative about any of these institutions.

25 This courthouse, the U.S. District Court for the

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1 Northern District of Illinois, the Federal Bureau of
2 Investigation, the U.S. Marshal's Service, the Cook County
3 Recorder of Deeds, the Chicago Police Department, the Drug
4 Enforcement Administration, U.S. Department of Justice, any of
5 those, does anybody have a really strong feeling, positive or
6 negative?

7 (No response.)

8 MR. STUMP: No response. Do any of you have any
9 specialized training in either the law or law enforcement?

10 (No response.)

11 MR. STUMP: Any at all in paralegal school, night
12 school for law, or it could be auditing classes? Anything?

13 (No response.)

14 MR. STUMP: Okay, no response.

15 I want to talk a little bit about circumstantial
16 evidence and direct evidence. Circumstantial evidence is proof
17 of a chain of circumstances or facts that indirectly proves a
18 fact. You hear the terms on TV "circumstantial" versus
19 "direct." The law makes no distinction between the two.

20 I want to give you an example. I was trying to
21 convert this to a soccer example because of the World Cup, but
22 I'll probably lose myself. So I'm going to stick with what I
23 usually like to do it with, football, which is my sport.

24 Imagine you're watching a football game and you have
25 it on TV, wherever the TV is, and it's kind of boring. The

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1 score is knotted zero to zero, and so you decide it's a safe
2 point in the game. You're going to go ahead and go to the
3 kitchen and fix yourself something to eat.

4 You have the TV volume turned up loud enough that you
5 can hear the sounds of the game. While you're in the kitchen,
6 all of a sudden you hear the roar of the crowd coming from the
7 TV. You hear the commentators' and announcers' jubilant and
8 excited voices. You hear the unmistakable sound of the home
9 team's fight song being played by a marching band.

10 You drop what you're doing and race back into the
11 room and look at the TV, and what you see is that the score now
12 says zero to six. Well, right then, you know beyond a
13 reasonable doubt based entirely on circumstantial evidence that
14 the home team just scored a touchdown.

15 Then you can stay and watch it. That's what I would
16 do, stay and watch the TV, and they'll do the replay. Then you
17 can see the wide receiver in the corner of the end zone. The
18 ball is on his finger tips, and it's a beautiful thing. Then
19 you've actually watched it happen, and that's direct evidence.

20 But you didn't need to see that replay. You knew
21 before you saw the replay what happened just based on your
22 common sense and the circumstantial evidence. In this case, as
23 in all cases, the law does not distinguish between those two
24 kinds of evidence. They are both given equal weight, or they
25 can be given equal weight by the jury.

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1 Is there anybody here who feels like they could not
2 reach a verdict in a case like this based solely on
3 circumstantial evidence and that you have to have direct
4 evidence?

5 (No response.)

6 MR. STUMP: Okay, no response. The Judge touched on
7 this briefly. The Government's burden in this case is to prove
8 the defendant's guilt beyond a reasonable doubt. You hear
9 about it on the TV all the time, too. Everybody knows that
10 standard, beyond a reasonable doubt.

11 My question to you is this. Is there anybody here
12 who feels uncomfortable with that standard and feels that it
13 should be that the Government has to prove it to you beyond all
14 doubt, reasonable or unreasonable? Does anybody feel that way?

15 (No response.)

16 MR. STUMP: No response. If the United States proves
17 the case to you beyond a reasonable doubt, if we prove to you
18 all the elements of the offenses that are required to find the
19 defendant guilty beyond a reasonable doubt, would you hesitate
20 to return a guilty verdict for any reason?

21 Let me give you a few things to think about. Would
22 it matter to your verdict that the defendant is a woman?

23 (No response.)

24 MR. STUMP: Would it matter to your verdict if a
25 victim of the crime did not suffer any kind of financial loss?

Jury Selection

1 (No response.)

2 MR. STUMP: Would it matter to your verdict if you
3 don't like the Government's team or if you don't like our
4 witnesses, that they just rubbed you the wrong way?

5 (No response.)

6 MR. STUMP: All right. Is there anyone here who
7 cannot decide this case based solely on the evidence that's
8 properly admitted from the witness stand, the exhibits that are
9 properly admitted, and the law as directed to you by the Court,
10 for any reason whatsoever?

11 (No response.)

12 MR. STUMP: That's it for me. Thanks, Judge.

13 THE COURT: Thank you.

14 Ms. Solomon?

15 MS. SOLOMON: Thank you, Judge.

16 Good morning, everyone. My name is Lauren Solomon,
17 and I represent Ms. Phillips, who's in the courtroom today. I
18 just have a few questions to ask you so that I get a sense of
19 who you are and what kinds of things you bring to this
20 courtroom today and what you would bring to each other when you
21 go into the jury room to deliberate.

22 PROSPECTIVE JUROR 36: Can you speak up, please?

23 MS. SOLOMON: Sorry. Is that better?

24 PROSPECTIVE JUROR 36: Yes.

25 THE COURT: Much better.

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1 MS. SOLOMON: Okay. I'm going to ask some questions
2 just so I get an understanding of who you are and what you
3 bring to this courtroom and what you would bring to one another
4 if you are chosen to be jurors in this case.

5 So the first question I have is I want to know if
6 anyone has had any kind of bad experience with the Government,
7 whether it be trying to sign up for health care in the new open
8 enrollment period of time or whether you have needed to get
9 some information on some kind of benefit from the Government
10 and you haven't been able to and that's left you frustrated.
11 Has anybody had that experience?

12 (No response.)

13 MS. SOLOMON: Well, you're all very lucky. Okay. So
14 recently there's been two instances of kind of protest
15 movements or anti-government movements. One has been the Tea
16 Party, and other one has been the Occupy Wall Street movement.
17 Does anybody think that one or the other was a better approach
18 to getting their objective achieved? So who thinks that the
19 Occupy Wall Street movement was a better approach, anyone?

20 (No response.)

21 MS. SOLOMON: No response. How about the Tea Party?
22 Do you think going through the political process is the better
23 way to achieve change in this country, or you don't think that?
24 Does anybody think that was the better way to go?

25 (No response.)

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1 MS. SOLOMON: Okay, no response. If neither of those
2 kinds of movements were the appropriate way to participate,
3 does anybody have any ideas on what would have been a better
4 way to achieve change, anyone?

5 (No response.)

6 MS. SOLOMON: No response. Now, most organizations,
7 whether sports, schools, work, government, have rules, and we
8 all know that we're supposed to follow the rules. Has anybody
9 had an experience where they believe something was unfair,
10 whether at your office or at school, where somebody didn't
11 follow the rules and got some kind of advantage over you or
12 someone else?

13 (No response.)

14 MS. SOLOMON: No response. Has anybody ever
15 benefited from the kind of fudging of a rule? So a rule didn't
16 really apply to you, and you got a benefit, whether it was on
17 the sports field or in your office, any kind of fudging of
18 rules that was to your benefit?

19 (No response.)

20 MS. SOLOMON: No response. Was there ever a time
21 that you caught someone cheating, whether at work, at school,
22 or in sports?

23 (No response.)

24 MS. SOLOMON: No response. The Internet has made
25 plagiarism rampant, and a study showed that a majority of

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1 students will cheat if they think they'll get an advantage.
2 What's even more interesting is that their parents would
3 support their cheating if it helped them. Does anybody agree
4 that that's a good policy or a good direction for us to be
5 going?

6 (No response.)

7 MS. SOLOMON: No response. I see some smiles and
8 some negative shakes of the head. I assume that that's a bad
9 way for us as a country to be going. Who wishes they were more
10 patient? So we have a response from Juror 7, Juror 14, Juror
11 5, Juror 11, Juror 4. I'm sorry.

12 PROSPECTIVE JUROR 18: 18.

13 MS. SOLOMON: And Juror 20, Juror 34.

14 PROSPECTIVE JUROR 32: 32.

15 MS. SOLOMON: Oh, I'm sorry.

16 PROSPECTIVE JUROR 32: Did you say "patient"?

17 MS. SOLOMON: "Patient," yes.

18 PROSPECTIVE JUROR 32: Yes, I do.

19 MS. SOLOMON: Okay. Then kind of a parallel question
20 to that is: Who wishes they were more tolerant?

21 Juror 4, Juror 7, Juror 14, Juror 20, Juror -- I'm
22 sorry, but I can't see your number.

23 PROSPECTIVE JUROR 24: 24.

24 MS. SOLOMON: And next to you?

25 PROSPECTIVE JUROR 23: 23.

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1 MS. SOLOMON: Juror 23 and 24. Then which juror?
2 PROSPECTIVE JUROR 30: 30.
3 MS. SOLOMON: And Juror?
4 PROSPECTIVE JUROR 32: 32.
5 MS. SOLOMON: 32, great.
6 Who thinks they don't have enough backbone in tough
7 situations?
8 PROSPECTIVE JUROR 5: Me.
9 MS. SOLOMON: Oh, Juror 5. Thank you.
10 Who thinks they're really good at standing their
11 ground?
12 PROSPECTIVE JUROR 6: I do.
13 MS. SOLOMON: Juror 6, Juror 2.
14 PROSPECTIVE JUROR 36: 36.
15 MS. SOLOMON: Juror 36.
16 PROSPECTIVE JUROR 33: 33.
17 PROSPECTIVE JUROR 27: 27.
18 MS. SOLOMON: Juror 33 and Juror 27.
19 Who thinks it's possible to change the views of those
20 around you?
21 PROSPECTIVE JUROR 20: Me.
22 MS. SOLOMON: Juror 20, Juror 2, and who?
23 PROSPECTIVE JUROR 36: 36.
24 MS. SOLOMON: Juror 36 and --
25 PROSPECTIVE JUROR 15: 15.

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1 MS. SOLOMON: 15, Juror 15.
2 Who seeks out new experiences?
3 Juror 7, Juror 6, Juror 5, Juror 2, Juror 1, Juror 8,
4 Juror 11, Juror 18, Juror 23, Juror 24. I'm sorry. In the
5 pink?
6 PROSPECTIVE JUROR 30: 30.
7 MS. SOLOMON: Juror 30 and Juror 36.
8 PROSPECTIVE JUROR 36: 36.
9 MS. SOLOMON: Who prefers the tried and true?
10 Juror 4?
11 PROSPECTIVE JUROR 4: I'm sorry. I didn't hear the
12 question.
13 MS. SOLOMON: Who prefers the tried and true?
14 Juror 20 and Juror 19 and Juror number?
15 PROSPECTIVE JUROR 32: 32.
16 MS. SOLOMON: Juror 32 and Juror 34?
17 PROSPECTIVE JUROR 34: Yes.
18 MS. SOLOMON: If I could just go around to the jurors
19 in the jury box and ask this generally. Where did you go on
20 your last vacation, Juror 1?
21 PROSPECTIVE JUROR 1: Wisconsin.
22 MS. SOLOMON: 2?
23 PROSPECTIVE JUROR 2: Maine.
24 MS. SOLOMON: 3?
25 PROSPECTIVE JUROR 3: Stayed at home.

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1 MS. SOLOMON: Stayed at home, okay, a staycation.
2 PROSPECTIVE JUROR 3: Right.
3 MS. SOLOMON: 4?
4 PROSPECTIVE JUROR 4: I didn't go anywhere.
5 MS. SOLOMON: You didn't go anywhere.
6 PROSPECTIVE JUROR 5: Shelbyville, Illinois.
7 MS. SOLOMON: Shelbyville.
8 PROSPECTIVE JUROR 6: Florida.
9 PROSPECTIVE JUROR 7: Wisconsin Dells.
10 MS. SOLOMON: Wisconsin Dells.
11 PROSPECTIVE JUROR 8: Vegas.
12 MS. SOLOMON: Vegas.
13 THE COURT: Did you get their names or numbers?
14 MS. SOLOMON: Oh, I'm sorry. So juror 7 -- well,
15 I'll start with number 1. Number 1 was Wisconsin. Number 2
16 was Maine. Number 3 was a staycation. Number 4 didn't go
17 anywhere. Number 5 was Shelbyville, Illinois. Number 6 was
18 Florida. Number 7 was Wisconsin Dells. Number 8 was Vegas.
19 We're at number 9.
20 PROSPECTIVE JUROR 9: Kentucky.
21 MS. SOLOMON: Kentucky.
22 PROSPECTIVE JUROR 10: Stay at home.
23 MS. SOLOMON: Stay at home, number 10.
24 PROSPECTIVE JUROR 11: Colorado.
25 MS. SOLOMON: Number 11 is Colorado.

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1 PROSPECTIVE JUROR 12: Home.
2 MS. SOLOMON: Number 12 is home.
3 PROSPECTIVE JUROR 13: Puerto Rico.
4 MS. SOLOMON: 13 is Puerto Rico. 14?
5 PROSPECTIVE JUROR 14: Vegas.
6 MS. SOLOMON: Vegas, okay. Thank you.
7 Who thinks that the NSA should not have been able to
8 track all of our telephone calls?
9 Juror 5, Juror 4, Juror 8, Juror 11, Juror 14.
10 Who doesn't mind that the NSA tracks our calls?
11 Juror 6, Juror 7, Juror 27, and Juror 36.
12 PROSPECTIVE JUROR 33: 33.
13 MS. SOLOMON: Oh, 33.
14 Who thinks Edward Snowden should be punished for
15 disclosing what he did?
16 Juror 16, Juror 11, Juror 13, Juror 14, Juror 15.
17 PROSPECTIVE JUROR 28: 28.
18 MS. SOLOMON: 28.
19 PROSPECTIVE JUROR 33: 33.
20 MS. SOLOMON: 33.
21 PROSPECTIVE JUROR 34: 34.
22 MS. SOLOMON: 34.
23 Who thinks Edward Snowden should be admired?
24 (No response.)
25 MS. SOLOMON: No response. Thank you very much.

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1 THE COURT: Okay, folks. Could I have a show of
2 hands for those of you in the jury box who have some issues to
3 discuss with us that you didn't want to do in the presence of
4 the other jurors? Anybody at all?

5 PROSPECTIVE JUROR 9: Yes.

6 THE COURT: Juror 9?

7 PROSPECTIVE JUROR 9. Yes.

8 THE COURT: Okay. How about back in the gallery?

9 PROSPECTIVE JUROR 34: Me.

10 THE COURT: And your number, please?

11 PROSPECTIVE JUROR 34: 34.

12 THE COURT: Okay, 34. Then is it Juror 20?

13 PROSPECTIVE JUROR 20: Yes.

14 THE COURT: And 22?

15 PROSPECTIVE JUROR 23: 23.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR 23: 23.

18 THE COURT: 23, okay. Did I miss anybody?

19 (No response.)

20 THE COURT: Okay. So, folks, here's what I'm going
21 to do. I'm going to ask those four jurors to remain here, and
22 we're going to talk to them about their issues. Then here's
23 how the procedure works, just so you know. The attorneys will
24 get together with their respective clients and select the jury.

25 Now, there's a lot of articles about how you select a

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1 jury or how we select a jury, but here's the bottom line.
2 They're allowed to excuse you for any reason they want except
3 for race, gender, national origin, ethnicity, religion, or
4 physical handicap. So if they don't like people who wear
5 yellow shirts, they can kick you off the jury, but they can't
6 kick you off the jury if they don't like the color of your
7 skin.

8 The defense gets to remove ten of you, and the
9 Government gets to remove six, as long as it's within those
10 bona fide reasons, and then I end up eventually with a total of
11 14 of you. Only 12 will deliberate, but I need two extras in
12 case something happens to the original 12.

13 So what we're going to do now is take a break. I
14 would ask if you would come back here at 1:00 so that you can
15 have lunch. That will give us time to talk to those four
16 jurors. It will give the attorneys time to caucus with their
17 clients. It will give me time to pick the jury, and then those
18 of you who will not be chosen will be able to leave for the
19 afternoon. Okay?

20 So I would ask you to all --

21 Should we have them come up here, Mike, outside the
22 courtroom?

23 THE MARSHAL: Sure.

24 THE COURT: Okay. So if you could all be right
25 outside the courtroom right at 1:00 o'clock, we'll let you know

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1 who's going to be on the jury and who is not. Okay? Again,
2 please don't discuss the case with anyone, including any other
3 jurors, and don't do any kind of research, texting, et cetera.

4 Then staying, we have Jurors 9, 34, 20, and 23.

5 (Venire excused.)

6 THE COURT: We're going to start with Juror 9. The
7 other three of you, if you'll follow me, I'm going to put you
8 back in the jury room just until it's time for us to call you
9 out. So the three of you should come back with me, please.

10 (Said prospective jurors depart.)

11 THE COURT: Okay. We're in open court out of
12 presence of the balance of the jurors, and we have Juror 9
13 here.

14 Juror 9, could you tell us what the issue was you
15 wanted to discuss with us confidentially?

16 PROSPECTIVE JUROR 9: I have a felony conviction.

17 THE COURT: Okay. How old is it?

18 PROSPECTIVE JUROR 9: 1985.

19 THE COURT: Okay. Have your civil rights ever been
20 restored?

21 PROSPECTIVE JUROR 9: Yes.

22 THE COURT: They have. Okay. How was that done, do
23 you know? If your civil rights have been restored, then you
24 can sit as a juror.

25 PROSPECTIVE JUROR 9: Okay.

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1 THE COURT: So do you know if they have been
2 formally?

3 PROSPECTIVE JUROR 9: No, no, actually, no. I don't
4 know if they have or haven't.

5 THE COURT: Okay. Did you engage in any procedure to
6 get them restored? Did you file anything?

7 PROSPECTIVE JUROR 9: No.

8 THE COURT: Okay. Mr. Stump, any questions?

9 MR. STUMP: Do you feel comfortable saying what it
10 was for?

11 PROSPECTIVE JUROR 9: Oh, yeah. I just had some
12 trouble in my youth. It was a burglary charge.

13 MR. STUMP: Okay. Was it something that you pled
14 guilty to, or were you found guilty?

15 PROSPECTIVE JUROR 9: I pled guilty.

16 MR. STUMP: Your experience going through that, has
17 it affected your view of the legal system?

18 PROSPECTIVE JUROR 9: Well, maybe back then, but now,
19 no.

20 MR. STUMP: Okay. That's all I have. Thanks, Judge.

21 THE COURT: Questions, Ms. Solomon?

22 MS. SOLOMON: Was the case in Cook County, or was it
23 somewhere else?

24 PROSPECTIVE JUROR 9: Yeah, it was Cook County.

25 MS. SOLOMON: Cook County?

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1 PROSPECTIVE JUROR 9: Uh-huh.

2 MS. SOLOMON: And approximately how old were you?

3 PROSPECTIVE JUROR 9: I was 19.

4 MS. SOLOMON: Okay. So you were tried as an adult?

5 PROSPECTIVE JUROR 9: Yeah.

6 MS. SOLOMON: So it was an adult felony conviction.

7 PROSPECTIVE JUROR 9: Yes.

8 MS. SOLOMON: And you haven't had any other crimes of
9 conviction since that time?

10 PROSPECTIVE JUROR 9: Well, I had a DUI. I had a few
11 scrapes with the law, yes.

12 MS. SOLOMON: And what is your employment? I'm
13 sorry.

14 PROSPECTIVE JUROR 9: What's that?

15 MS. SOLOMON: Currently, what is your employment?

16 PROSPECTIVE JUROR 9: I'm a pipefitter.

17 MS. SOLOMON: Pipefitter, okay. I have nothing
18 further.

19 THE COURT: Okay. Thanks. If you'll be back here at
20 1:00 o'clock, we'll get back to you. We appreciate it.

21 (Prospective Juror 9 departs.)

22 THE COURT: Okay. So we'll get Juror 20.

23 (Brief pause.)

24 THE COURT: Okay. Juror 20, I told you we could go
25 to sidebar on this, but the only people here are the ones who

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1 are entitled to be at sidebar. So could you just tell us
2 confidentially? This goes nowhere in the record. I can
3 certainly seal it. There's nothing you can say that's going to
4 surprise me.

5 PROSPECTIVE JUROR 20: I don't even know how to get
6 the words out. I would rather just tell you.

7 THE COURT: Counsel, do you have any objection to her
8 telling me, and then me screening it.

9 MR. STUMP: No.

10 MS. SOLOMON: No, sir.

11 THE COURT: Okay. Let's go to sidebar then, just you
12 and I.

13 (Discussion at sidebar off the record.)

14 THE COURT: Counsel, back on the record, she's been
15 very candid in telling me that she thinks she's prejudged the
16 case and can't be fair to the defendant in this case, not for
17 anything personal with the defendant, but she was a victim of a
18 crime in the past.

19 MR. STUMP: Okay.

20 THE COURT: Does anyone want me to go any further
21 than what's already on the record?

22 MS. SOLOMON: No, Your Honor.

23 MR. STUMP: No, Judge.

24 THE COURT: All right. We'll excuse you for cause.

25 (Discussion off the record.)

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1 THE COURT: You don't need to come back. You can go
2 out this way. Juror 20 will be excused for cause.

3 (Prospective Juror 20 excused.)

4 THE COURT: Okay. Mike, could we have Juror 23?

5 (Brief pause.)

6 THE COURT: Okay. Have a seat over there in the jury
7 box, Juror 23. Could you tell us what issue you wanted to
8 discuss with us confidentially?

9 PROSPECTIVE JUROR 23: So it was your question which
10 was basically about if the rules were fudged for you at all.
11 So final exams are like a policy at college. You have to take
12 them, but I had four out of five teachers who didn't make me
13 take them because I had a self-infliction with my dad. So I
14 didn't know if you wanted to know about that.

15 MS. SOLOMON: I'm sorry. You had what?

16 PROSPECTIVE JUROR 23: My dad self-inflicted himself.

17 MS. SOLOMON: Oh, I'm sorry.

18 PROSPECTIVE JUROR 23: So the rules were a little
19 fudged.

20 MS. SOLOMON: Okay.

21 THE COURT: Sure. Is there anything about that
22 experience that you think would affect your impartiality here?

23 PROSPECTIVE JUROR 23: No.

24 THE COURT: Okay. Follow-up questions by the
25 Government?

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1 MR. STUMP: No, sir.

2 THE COURT: Ms. Solomon?

3 MS. SOLOMON: No.

4 THE COURT: Thanks for your candor. We'll see you at
5 1:00 o'clock.

6 PROSPECTIVE JUROR 23: Thank you.

7 (Prospective Juror 23 departs.)

8 THE COURT: Then lastly, Juror 34.

9 (Brief pause.)

10 THE COURT: Okay. Juror 34, have a seat and tell us
11 what issue you wanted to discuss with us confidentially.

12 PROSPECTIVE JUROR 34: I am the primary caretaker of
13 my two small children. I was able to find care for them while
14 I was coming today, but I didn't know. Depending on when the
15 trial was and how long it was, I probably would not be able to
16 provide child care for that long.

17 THE COURT: Okay. Let me tell you what I think we're
18 going to do. We'll start roughly at 9:00 o'clock every morning
19 and finish around 5:00, 5:30 at the latest. The case will go,
20 we think, until Thursday. It could go over into Friday. I
21 hope not, but it kind of depends on how long it takes the jury
22 to deliberate.

23 PROSPECTIVE JUROR 34: Okay.

24 THE COURT: See, I can't control that. Once it gets
25 in the jury's hands, I don't know how long it takes. With that

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1 understanding, would you have child care issues?

2 PROSPECTIVE JUROR 34: If I can make sure I'm home in
3 the evening just this week?

4 THE COURT: Right, just this week.

5 PROSPECTIVE JUROR 34: Okay.

6 THE COURT: I turn into a pumpkin at 5:00 Friday
7 night.

8 (Laughter.)

9 PROSPECTIVE JUROR 34: Okay. As long as it's this
10 week, yeah.

11 THE COURT: You could do that?

12 PROSPECTIVE JUROR 34: Yeah.

13 THE COURT: What time do you need to be home for
14 child care?

15 PROSPECTIVE JUROR 34: At around dinnertime, but
16 after 5:00.

17 THE COURT: Okay. I'm not familiar with this area at
18 all. How far is it that you live from the courthouse here?

19 PROSPECTIVE JUROR 34: About an hour.

20 THE COURT: Okay. So if we wouldn't finish till 5:30
21 on a night, you wouldn't get home till 6:30. Could you do
22 that?

23 PROSPECTIVE JUROR 34: Yeah, that would be okay.

24 THE COURT: Okay. Follow-up questions by the
25 Government?

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1 MR. STUMP: No. Thank you.

2 THE COURT: Ms. Solomon?

3 MS. SOLOMON: I have just one question. Would your
4 thinking about your children and their welfare interfere with
5 your ability to pay attention to the case?

6 PROSPECTIVE JUROR 34: I've been thinking about them
7 today.

8 MS. SOLOMON: Okay. But you've been able to follow?
9 They're sort in the back of your mind?

10 PROSPECTIVE JUROR 34: Yeah, in the back of my mind.

11 MS. SOLOMON: Okay. Do you work outside the home?

12 PROSPECTIVE JUROR 34: I'm a teacher, so I am not
13 right now.

14 MS. SOLOMON: But during the school year, you work
15 outside the home?

16 PROSPECTIVE JUROR 34: Yes.

17 MS. SOLOMON: So you don't think about them all day,
18 or when you do, they're in the back of your mind?

19 PROSPECTIVE JUROR 34: I get to see them during the
20 day because they're in the nursery where I work.

21 MS. SOLOMON: Oh, okay.

22 PROSPECTIVE JUROR 34: I did have one other question.
23 You asked about the faith base. Because I believe in the Bible
24 and what it says, do you think it would cause any problems or
25 anything in religion that may be brought up during the --

Jury Selection

1 THE COURT: Here's what I was getting at. There are
2 some religions -- and I think it might be the Mormons -- who
3 aren't allowed to sit in judgment to people. Therefore, they
4 have a religious belief such that they cannot sit as jurors.

5 PROSPECTIVE JUROR 34: Okay.

6 THE COURT: I'm not sure if it's the Mormons or not.
7 Do you hold any of those beliefs?

8 PROSPECTIVE JUROR 34: No.

9 THE COURT: Okay. That's what I was interested in.

10 PROSPECTIVE JUROR 34: Okay.

11 MS. SOLOMON: Could I just ask a follow-up on that?

12 THE COURT: Sure.

13 MS. SOLOMON: Because there may be some references to
14 religious beliefs of some sort in this case, if they were not
15 the same that you shared, would that make it difficult for you
16 to just keep in mind what those doctrines are for the purposes
17 of this case, you know, without thinking about: Well, I don't
18 believe that so, therefore, I can't accept this document?
19 Would that be a problem for you?

20 PROSPECTIVE JUROR 34: I think I would be okay with
21 it, as long as it did not go against what I believe from the
22 Bible.

23 MS. SOLOMON: Okay. So you would approach the
24 documents from your perspective.

25 PROSPECTIVE JUROR 34: I believe so.

Jury Selection

1 MS. SOLOMON: Okay.

2 MR. STUMP: Can I ask a follow-up?

3 THE COURT: Sure.

4 MR. STUMP: If we didn't prove the case to you but
5 you decided that you just didn't like what the defendant had
6 done for your own religious reasons, would you be more inclined
7 to vote guilty because of that, or would you able to follow the
8 law and the evidence and vote not guilty if we failed to prove
9 the case to you?

10 PROSPECTIVE JUROR 34: I would want to follow the
11 case and the evidence that was given.

12 MR. STUMP: Thank you.

13 THE COURT: Okay. Thanks. We'll see you at 1:00
14 o'clock.

15 PROSPECTIVE JUROR 34: Thank you.

16 THE COURT: How old are your kids, by the way?

17 PROSPECTIVE JUROR 34: Two and the other one just
18 turned one.

19 THE COURT: Wow. Well, maybe we'll let you forget
20 about them for a day and give you a break.

21 MS. SOLOMON: Give you a vacation.

22 (Laughter.)

23 THE COURT: Thank you.

24 (Prospective Juror 34 departs.)

25 THE COURT: Okay. We're in open court and out of the

Jury Selection

1 presence of everyone now. Are there any additional challenges
2 for cause based upon what these two jurors indicated? Although
3 I am excusing Juror 20 by agreement for cause, how about
4 Juror 9?

5 MR. STUMP: Your Honor, I'd strike him for cause
6 because it seems like he -- he has a felony conviction, and
7 he's not sure his rights have been restored. I don't think
8 that's fair to either party.

9 THE COURT: Ms. Solomon?

10 MS. SOLOMON: I would concur.

11 THE COURT: Yes, I just don't think I can keep him
12 without knowing whether his rights have been restored or not.
13 That is a disability that is disqualifying. So Juror 9 will be
14 excused for cause, also. So far for cause, we have 9, 12, 16,
15 and 20. Does the Government have any other challenges for
16 cause?

17 MR. STUMP: No, Your Honor.

18 THE COURT: The defense?

19 MS. SOLOMON: I thought that -- well, I guess I was
20 concerned about the jurors with Homeland Security connections.
21 That was Juror 15 and Juror 21, whose sister is a prosecutor
22 for Homeland Security. I think both of those should be
23 stricken for cause.

24 THE COURT: Mr. Stump?

25 MR. STUMP: Your Honor, they may be related to people

Jury Selection

1 that work in law enforcement, but so were some other
2 prospective jurors. Both of those prospective jurors indicated
3 on the record that they could be fair and impartial. I saw no
4 reason to disbelieve their statements in that regard, so we'd
5 oppose that motion.

6 THE COURT: Okay. I agree with Government on this
7 one. I think they indicated they could be fair and impartial.
8 There is a law enforcement connection there, but I don't think
9 it's disqualifying.

10 For judicial notice purposes, the Court notes that
11 Juror 22 is an African-American. I did not see any other
12 African-Americans on the panel. You can correct me if I'm
13 wrong, but she was the only one who I could tell was obviously
14 African-American. The defendant in this case is
15 African-American.

16 Okay. So how about if we join back up about 12:30,
17 and we'll do peremptory challenges and pick the jury. Then
18 I'll give some jury instructions, and we'll go into opening
19 statements. Anything else we need to do right now? We have
20 that motion in limine yet.

21 MR. STUMP: There is that, Judge, and then also I had
22 talked to Ms. Solomon. I want to make sure it's clear with the
23 Court. There are two exhibits that I was going to just show to
24 the jury during my opening statement. Ms. Solomon indicated to
25 me that she didn't have any problem with that, but I wanted to

Jury Selection

1 make sure that I wasn't offending the Court's rules.

2 THE COURT: No, no. As long as the defense counsel
3 has no objection, I have no objection. That's fine.

4 MS. SOLOMON: No objection.

5 THE DEFENDANT: Judge, for the record, I'm not an
6 African-American.

7 THE COURT: I'm sorry?

8 THE DEFENDANT: For the record, I'm not an
9 African-American.

10 THE COURT: Okay. I'm sorry. You appear to be, just
11 from the naked eye. I just want to make certain that the
12 record was clear, so that there's no pervasive discrimination
13 by excluding jurors who might be of the same color as you.
14 That's the only reason I said that. What is your race, if
15 you're not African-American?

16 THE DEFENDANT: I am Asiatic.

17 THE COURT: Okay. Anything else?

18 MR. STUMP: No, sir.

19 THE COURT: All right. We'll see you back at 12:30
20 then.

21 (Luncheon recess.)

22

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24

25

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA,) No. 12 CR 872
5)
6 vs.) Chicago, Illinois
7)
8 CHERRON MARIE PHILLIPS,)
9) June 16, 2014
10) 12:30 p.m.
11 Defendant.)

12 VOLUME 1B
13 TRANSCRIPT OF PROCEEDINGS
14 BEFORE THE HONORABLE MICHAEL J. REAGAN AND A JURY

15 APPEARANCES:

16 For the Government: MR. NATHAN D. STUMP
17 (United States Attorney's Office,
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19 Fairview Heights, Illinois 62208)

20 For the DEFENDANT: MS. LAUREN WEIL SOLOMON
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 PATRICK J. MULLEN
 Official Court Reporter
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1 (Proceedings in open court. Jury out.)

2 THE COURT: Okay. Counsel, are you ready to proceed?

3 MR. STUMP: Yes, Your Honor.

4 MS. SOLOMON: Yes, Judge.

5 THE COURT: All right. We're in open court out of
6 the presence of the jury for the jury selection to proceed.
7 We'll start, consistent with what I told you at the final
8 pretrial, with Juror 1 to the Government. Juror 1, accept or
9 reject?

10 MR. STUMP: Accept, Your Honor.

11 THE COURT: To the defendant?

12 MS. SOLOMON: Accept.

13 THE COURT: Okay. Juror 1 will be our first juror.
14 Juror 2, to the defendant?

15 MS. SOLOMON: The defense will strike.

16 THE COURT: Juror 2 is stricken, defendant.
17 Juror 3, to the Government?

18 MR. STUMP: Strike, Your Honor.

19 THE COURT: Juror 3 is stricken, United States.
20 Juror 4, to the defendant?

21 MS. SOLOMON: Strike.

22 THE COURT: Juror 4 is stricken, defendant.
23 Juror 5, to the United States?

24 MR. STUMP: Accept, Your Honor.

25 THE COURT: To the defendant?

1 MS. SOLOMON: Strike.
2 THE COURT: Juror 5 is stricken, defendant.
3 Juror 6, to the defendant?
4 MS. SOLOMON: Strike.
5 THE COURT: Juror 6 is stricken, defendant.
6 Juror 7, to the United States?
7 MR. STUMP: Accept.
8 THE COURT: To the defendant?
9 MS. SOLOMON: Accept.
10 THE COURT: Juror 7 will be our second juror.
11 Juror 8, to the defendant?
12 MS. SOLOMON: Accept.
13 THE COURT: To the United States?
14 MR. STUMP: Accept.
15 THE COURT: 8 will be our third juror.
16 Juror 10, to the United States?
17 MR. STUMP: Strike.
18 THE COURT: 10 is stricken, United States.
19 Juror 11, to the defendant?
20 MS. SOLOMON: Accept.
21 THE COURT: To the United States?
22 MR. STUMP: Accept.
23 THE COURT: Juror 11 will be our fourth juror.
24 Juror 13, to the United States?
25 MR. STUMP: Accept.

1 THE COURT: To the defendant?
2 MS. SOLOMON: Strike.
3 THE COURT: Juror 13 is stricken, defendant.
4 Juror 14, to the defendant?
5 MS. SOLOMON: Accept.
6 THE COURT: To the United States?
7 MR. STUMP: Accept.
8 THE COURT: 14 will be our fifth juror.
9 Juror 15, to the United States?
10 MR. STUMP: Accept.
11 THE COURT: To the defendant, 15, Ms. Solomon?
12 MS. SOLOMON: Strike.
13 THE COURT: Okay. 15 is stricken, defendant.
14 Juror 17, to the defendant?
15 MS. SOLOMON: Accept.
16 THE COURT: To the United States?
17 MR. STUMP: Strike.
18 THE COURT: 17 is stricken, United States.
19 Juror 18, United States?
20 MR. STUMP: Accept.
21 THE COURT: To the defendant?
22 MS. SOLOMON: Accept.
23 THE COURT: 18 will be our sixth juror.
24 Juror 19, to the defendant?
25 MS. SOLOMON: Can I have a moment? Oh, accept.

1 THE COURT: To the United States?

2 MR. STUMP: Accept.

3 THE COURT: That will be our seventh juror. 19 will

4 be our seventh juror.

5 Juror 21, to the United States?

6 MR. STUMP: Accept.

7 THE COURT: To the defendant?

8 MS. SOLOMON: Accept.

9 THE COURT: 21 will be our eighth juror.

10 Juror 22, to the defendant?

11 MS. SOLOMON: Accept.

12 THE COURT: To the United States?

13 MR. STUMP: Strike.

14 THE COURT: 22 is stricken, United States.

15 Juror 21 -- I'm sorry. Juror 23, to the United

16 States?

17 MR. STUMP: Accept.

18 THE COURT: To the defendant?

19 MS. SOLOMON: Accept.

20 THE COURT: 23 will be our ninth juror.

21 24, to the defendant?

22 MS. SOLOMON: Strike.

23 THE COURT: 24 is stricken, defendant.

24 25, to the United States?

25 MR. STUMP: Accept.

1 THE COURT: To the defendant?

2 MS. SOLOMON: Accept.

3 THE COURT: 25 will be our tenth juror.

4 Juror 26, to the defendant?

5 MS. SOLOMON: Accept.

6 THE COURT: To the United States?

7 MR. STUMP: Accept.

8 THE COURT: 26 will be our eleventh juror.

9 Juror 27, to the United States?

10 MR. STUMP: Accept.

11 THE COURT: To the defendant?

12 MS. SOLOMON: Accept.

13 THE COURT: 27 will be our twelfth juror.

14 Okay. No challenges. We'll start over now. Each

15 side has one challenge for the two alternates. We start over

16 again. Juror 28, the first alternate, to the United States?

17 MR. STUMP: Accept.

18 THE COURT: To the defendant?

19 MS. SOLOMON: Accept.

20 THE COURT: Okay. Our first alternate is Juror 28.

21 (Discussion off the record.)

22 THE COURT: For our second alternate, Juror 29, to

23 the defendant?

24 MS. SOLOMON: Accept.

25 THE COURT: To the United States?

1 MR. STUMP: Accept.

2 THE COURT: Okay. Juror 29 will be our second
3 alternate.

4 All right. I'll go through them to make sure you're
5 on the same page as I am. The first juror is Juror 1. The
6 second is Juror 7. The third is Juror 8. The fourth is Juror
7 11. The fifth is Juror 14. The sixth is Juror 18. The
8 seventh is Juror 19. The eighth is Juror 21. The ninth is
9 Juror 23. The tenth is Juror 25. The eleventh is Juror 26.
10 Then twelfth is Juror 27. The first alternate is Juror 28.
11 The second alternate is Juror 29. Does the Government agree?

12 MR. STUMP: Yes, Your Honor.

13 THE COURT: Does the defendant agree? Do you agree,
14 Ms. Solomon?

15 MS. SOLOMON: I'm sorry. I lost track. I think I'm
16 missing seven and eight.

17 THE COURT: Seven is Juror 19.

18 MS. SOLOMON: Okay.

19 THE COURT: Eight is Juror 21.

20 MS. SOLOMON: Okay. I accept.

21 THE COURT: Okay. Counsel, the next thing I'd like
22 you to do, why don't you come to sidebar and take a look at
23 Court's Instruction No. 1. I don't think I went over this with
24 you. It's Pattern Instruction 10.11 regarding the Internet.
25 Did we go over that?

1 MR. STUMP: We went over something like that, Judge.
2 I don't know if it's the same exact one.

3 THE COURT: Do you want to take a look? I didn't
4 have it in my notes. I just want to make sure there's no
5 objection to it.

6 (Brief pause.)

7 THE COURT: No objection.

8 MR. STUMP: No objection, Your Honor.

9 THE COURT: Ms. Solomon, any objection?

10 MS. SOLOMON: No objection.

11 THE COURT: All right. Court's Instruction 1, which
12 is Seventh Circuit Pattern Instruction 10.11, will be given.
13 So once we impanel the jury and they're sworn, I'll give them a
14 little information about the case, and then I'm going to read
15 several instructions but not all of them.

16 At this time, I think what we have left is the
17 recently filed motion in limine by the defendant at document
18 151. Ms. Solomon?

19 MS. SOLOMON: I filed a motion in limine to preclude
20 all references of any kind to any of the groups listed in the
21 motion, including "sovereign citizen" and "patriot people."
22 It's become particularly important in light of the events of
23 the last couple of weeks, during which there have been two
24 incidents that have received a significant amount of publicity.
25 I think that any reference during the course of the trial to

1 any of these groups would have a negative and prejudicial
2 impact on the trial.

3 With respect to the one document that says "patriot
4 people" in it with the apology letter, the "patriot" can easily
5 be redacted from the letter. It would have the same force and
6 effect and impact as defendant's prior statement. That would
7 go against her as an admission. Whether or not it's who she
8 spoke with, as the Court has indicated, ignorance of the law is
9 not a defense. It won't matter at all whether it's patriot
10 people or people in the public. So I think that that could be
11 redacted from the statement, and that would take it out of the
12 trial altogether.

13 Now, I have noticed that in much of the discovery --
14 I'm sorry -- in much of the discovery there are references to
15 terrorism in the documents. That's not part of the exhibits,
16 but I would certainly hope that if any of those documents are
17 at any time introduced during the course of the trial that they
18 would also be redacted with that language excluded.

19 THE COURT: Mr. Stump?

20 MR. STUMP: Your Honor, fundamentally, I don't have a
21 problem with the motion. I see her point of view on this.
22 There are two issues that I have before I could just say that I
23 would agree to it. One is that we did mention the phrase
24 "sovereign citizen" during the voir dire process, so that cat
25 in a sense is already out of the bag.

1 I would be fine instructing my witnesses to try to
2 avoid that phrase. I think we can accomplish it, but I can't
3 be 100 percent sure that that phrase isn't going to slip out at
4 some point from some witness, and I don't want to be, you know,
5 held accountable for that.

6 The other thing that I'm concerned about is the
7 apology letters that say "patriot people." I just don't see
8 the word "patriot" as something that is so prejudicial to the
9 defense or so obviously connected to some extremist group that
10 leaving it in the document would violate Rule 403.

11 Frankly, I think having it blacked out or removed
12 from the document would leave more questions in the jurors'
13 minds about what sort of people we had to keep them from
14 knowing about. So my inclination would be to ask the Court to
15 allow us to keep those exhibits in evidence without any
16 redaction.

17 One final thing I want to make sure the Court is
18 aware of is that the phrase that Ms. Solomon put in her
19 position was "sovereign citizen." That phrase doesn't appear
20 in any of the documents that I intend to introduce into
21 evidence, nor does the term "terrorism" or "terrorist," and
22 that's a separate motion which we've agreed to. But the word
23 "sovereign" does appear in a number of documents. We'd ask
24 that those documents be allowed in without any sort of
25 redaction because those are the words that she chose, and I

1 don't think the word "sovereign" by itself necessarily would
2 violate 403, either.

3 MS. SOLOMON: The motion is not addressed to that at
4 all. The insignia on the documents is the Sovereign Consulate
5 of America, I believe. So there's no automatic connection
6 between that phrase on the letterhead and what I'm talking
7 about, which is the Sovereign Citizen Movement.

8 I think had the events of the last couple of weeks
9 not occurred, there not might have been this automatic
10 association with patriot people and a negativity, but all you
11 have to do is go onto the Internet and there are articles that
12 connect the events in Las Vegas to the Patriot Movement. I
13 think that if for any reason anybody has seen those articles,
14 then that's going to make a direct connection between that
15 movement and the apology letter.

16 I think that there's also -- on the Internet, there
17 was both the YouTube and commentary afterwards from the Hate
18 Watch publication of the Southern Law Poverty Center that has
19 Glenn Beck's take on the Patriot Movement and connecting it to
20 Terry Nichols who's connected to the Oklahoma bombing.

21 So I think it's a very loaded word, and I think it
22 has loaded connotations and that people will make that
23 connection. I think if it's stricken, one can't do a Google
24 search for the unknown blacked-out word. One can if it's in
25 there.

1 THE COURT: What is the relevance of the word
2 "patriot" in the, quote, apology letter?

3 MR. STUMP: It's only because it's the word that she
4 chose, Your Honor. That's it.

5 THE COURT: Okay. I'm very concerned about the use
6 of certain buzz words. I brought up "domestic terrorism," for
7 example, at the final pretrial. I think many of the phrases in
8 defendant's motion in limine in the first paragraph are buzz
9 words: sovereign citizens, patriot groups, patriot people,
10 anti-government extremist group, anti-police sentiment, violent
11 extremist group, right-wing extremist group, militia groups,
12 military or anarchist groups. I agree with defense counsel
13 that those are buzz words that could lead the jury down a path
14 they ought not go. To that extent, the motion is granted.

15 With respect to the word "patriot" and its use in the
16 apology letter, my initial impression is she used these words,
17 and she's stuck with them. However, I don't hear any relevance
18 to that word in and of itself, and I think it could lead the
19 jury down the path with the other ones. So I'm going to grant
20 the motion by the defendant and redact "patriot."

21 MS. SOLOMON: Thank you.

22 THE COURT: Tell the witnesses not to use those
23 words, and if we need to revisit it, I'm happy to at any time.

24 MR. STUMP: Yes, Your Honor.

25 THE COURT: So the defendant's motion is granted over

1 the objection of the United States.

2 MR. STUMP: Thank you, Your Honor. Just for
3 practical purposes, I have a couple witnesses today to whom I
4 was going to show the apology letter that has that word in it.
5 For timing purposes, I don't know if it would be now or later
6 this afternoon that you would like me to take a moment to
7 redact those.

8 THE COURT: We'll probably have time later. We'll
9 pick the jury. I'll make some prefatory remarks to them, and
10 we'll have opening statements. If nothing else, they won't see
11 it until we send it back with them, unless you intend on
12 passing it around as part of your testimony.

13 MR. STUMP: Judge --

14 THE COURT: We have no document camera in this
15 courtroom?

16 MR. STUMP: No, we have no document camera.

17 THE COURT: I noticed that.

18 MR. STUMP: I noticed it last week, and I assumed
19 that someone was going to wheel one in.

20 THE COURT: We had one at the final pretrial
21 conference in the courtroom. Was that this courtroom?

22 MR. STUMP: No, it was a different one.

23 THE COURT: Okay. Can we get a document camera?

24 THE CLERK: Let me call, Judge.

25 THE COURT: Okay. If not, you're going to have to do

1 it as I learned, Mr. Stump, that is, handing it around, like
2 shortly after fire was invented. While Alice is working on
3 that, we can get the jury.

4 Where is Mike?

5 THE CLERK: I think he's in the hallway.

6 THE COURT: Okay. Can you tell Mike to have them
7 come in?

8 (Venire in.)

9 THE COURT: Okay. Sit wherever you want. This is
10 America.

11 (Discussion off the record.)

12 THE COURT: Okay, folks. Thanks for your patience
13 and thanks for your kind attention while we asked you the
14 questions. We have the jury selected. If your number is not
15 chosen, please call the number that you have been assigned,
16 because you might get lucky and we might need you next week or
17 in the next couple of days. Otherwise, would the following
18 jurors please come forward: Juror 1, Juror 7, Juror 8, Juror
19 11, Juror 14, Juror 18 -- and you can sit anywhere -- 19, 21,
20 25, 26, 27, 28, and 29.

21 MR. STUMP: 23?

22 THE COURT: Oh, 23, yes. Okay. That's 14.

23 Counsel for the Government, is this the correct
24 group?

25 MR. STUMP: Yes, Your Honor.

1 THE COURT: For the defense?

2 MS. SOLOMON: Yes.

3 THE COURT: Okay. Folks, you're all released. Thank
4 you very much. Remember to call. They may need you next week
5 or this week. I don't know how things work up there. Thank
6 you.

7 (Venire excused.)

8 THE COURT: Okay, folks. Could you please stand and
9 take one more oath?

10 THE CLERK: Please raise your right hands.

11 (Jury duly sworn.)

12 THE COURT: Okay. Please be seated, folks.

13 Let me tell you a little bit about how we're going to
14 proceed. We'll start each morning roughly at 9:00 o'clock, so
15 I'd ask you to be here a few minutes early. As long as you're
16 here and I'm here, we can start, but we need all of you.

17 About an hour and a half into each day, we'll take a
18 break for 15 or 20 minutes, and then we'll break roughly at
19 noon for about an hour for lunch. We'll then work again for
20 half a day, take another break mid-afternoon, and the goal is
21 to end the testimony at about 5:00 o'clock each day. If,
22 however, at quarter to 5:00 we're at a point where we're going
23 to call another witness and we're not going to finish with him,
24 we might just break for the day rather than split them up. By
25 the same token, if we can finish a witness completely by 5:30,

1 we'll go until then, but we'll never stay beyond 5:30. Okay?

2 If you need to take a break at any time that I
3 haven't scheduled, just raise your hand. Get Mike's attention
4 or my attention, and I will certainly make sure that we take a
5 break. Mike is in charge of security here in our courtroom, so
6 if he tells us, you know, to do something because there's some
7 kind of bad weather or anything like that, he'll tell you
8 exactly where to go.

9 Our court reporter is taking down everything that's
10 being said. You will not have a copy of the transcript, but
11 you will be allowed to take notes if you want to, and I'll have
12 an instruction on that. You don't have to take notes, and
13 they're for your personal use.

14 We have two courtroom deputies assisting today.
15 They'll help with the evidence, swearing in the witnesses, take
16 care of the calendar, run the docket, that type of thing. Then
17 my law clerk from East St. Louis, Meg, is with me. She's a
18 lawyer, and she's helped me work on the case so far.

19 We're going to start with me giving you some jury
20 instructions. It used to be that we gave you instructions all
21 at the end of the case. So you'd hear all this evidence, you'd
22 hear the attorneys' opening statements, you'd hear the
23 arguments, and then only at the end did you find out what the
24 law is.

25 I asked when I first started why we do it that way,

1 and the answer was because we've always done it that way.
2 Well, that made no sense. So what I do now is give you many of
3 the instructions at the beginning. There will be some more
4 instructions during the course of the case and more
5 instructions at the very end. You're to consider them as a
6 whole, not singling out any one instruction over the other, and
7 you'll be given a written copy of all the instructions to take
8 with you into the jury room at the end of the case.

9 Once I've instructed you preliminarily -- and I
10 assure you that there will be more instructions -- then the
11 Government can make an opening statement. That's merely them
12 telling you what they think their case is about, what they
13 think they can prove to you. The defense then has a right to
14 make an opening statement if they want to, also.

15 Those statements are not evidence. The only
16 evidence, as I indicated, is what you see and hear from the
17 witness stand under oath subject to cross-examination, or if
18 the parties agree to what we call a stipulation, I'll tell you
19 about it and that you can consider it as evidence. Other than
20 that, you should consider nothing that you see or hear outside
21 of this courtroom.

22 So let me start with some of the instructions. Some
23 of these are written in the past tense. I'm going to read them
24 just as they're written, again, because we usually instruct you
25 at the end. So it's going to sound strange to you because I

1 might say "you have heard evidence that." Well, you haven't
2 heard anything yet, but you'll understand why I'm doing it.

3 Before we begin the trial, I want to discuss several
4 rules of conduct that you must follow as jurors. First, you
5 should keep an open mind throughout the trial. Do not make up
6 your mind about what your verdict should be until the trial is
7 over, you have received my final instructions on the law, and
8 you and your fellow jurors have discussed the evidence.

9 Your verdict in this case must be based exclusively
10 on the law as I give it to you and the evidence that is
11 presented during the trial. For this reason and to ensure
12 fairness to both sides in this case, you must obey the
13 following rules. These rules apply both when you're here in
14 court and when you're not in court. They apply until after you
15 have returned your verdict in this case.

16 Number one, you must not discuss the case with anyone
17 who's involved in this case, among yourselves, until you go
18 into the jury room to deliberate after the trial is completed.

19 Number two, you must not communicate with anyone else
20 about this case, including anyone who's involved in the case,
21 until after you have returned your verdict.

22 Number three, when you are not in the courtroom, you
23 must not allow anyone to communicate with you about the case or
24 to give you any information about the case or about anyone who
25 is involved in the case. If someone tries to communicate with

1 you about the case or someone who is involved in the case, or
2 if you overhear or learn any information about the case or
3 someone involved in the case when you are not in the courtroom,
4 you must report this to me promptly, and you will do that by
5 notifying Mike or his designee if he's not here.

6 You may tell your family and your employer that you
7 are serving on a jury so that you can explain that you have to
8 be here in court. However, you must not communicate with them
9 about the case or anyone who's involved in the case until after
10 you have returned your verdict.

11 Number five, all the information that you will need
12 to decide this case will be presented here in court. You may
13 not look up, obtain, or consider information from any outside
14 source.

15 There are two reasons for these rules. First, it
16 would not be fair to the parties in the case for you to
17 consider outside information or communicate information about
18 the case to others. Second, outside information may be
19 incorrect or misleading.

20 When I say that you may not obtain or consider any
21 information from outside sources and you may not communicate
22 with anyone about the case, I am referring to any and all means
23 by which people communicate or obtain information. This
24 includes, for example, face-to-face conversations, looking up
25 things, doing research, reading, watching, or listening to

1 reports in the news media, and any communication using any
2 electronic device or media, such as a telephone, cell phone,
3 smartphone, iPhone, Android, BlackBerry or similar device,
4 including PDAs, computers, the Internet, text messaging, chat
5 rooms, blogs, social networking websites like Facebook,
6 YouTube, Twitter, GooglePlus, LinkedIn, or any other form of
7 communication at all. If you hear, see, or receive any
8 information about the case by these or any other means, you
9 must report that to me immediately.

10 I would note parenthetically that over the weekend
11 the local newspaper where I come is actually the St. Louis
12 Dispatch. I'm in Illinois, but St. Louis is right across the
13 river. There was an editorial in that particular newspaper
14 about a jury that had been permitted to deliberate with their
15 cell phones. During the deliberations, one of the jurors
16 looked up the word "punitive damages." The jurors came back
17 with a \$7 million verdict for a policeman, and that verdict is
18 now in jeopardy because the jury did something they weren't
19 supposed to do.

20 So this something that is really important to us.
21 This is a very emotionally charged case for both sides. It's
22 very expensive to bring these cases. You'll see the witnesses
23 are coming in from many parts of the country. It's emotionally
24 draining for a defendant who's facing a criminal charge, for
25 the Government who has to present its case. So this isn't just

1 a matter of us coming in one day and spending a few hours
2 trying the case. We've been working on this case literally for
3 years.

4 I will now instruct you on the law that you must
5 follow in deciding the case. I will also give you a copy of
6 these instructions to use in the jury room. You must follow
7 all of my instructions about the law, even if you disagree with
8 them. This includes the instructions I gave you before the
9 trial, the instructions that I gave you during the trial, and
10 the instructions that I'm giving you now.

11 As jurors, you have two duties. Your first duty is
12 to decide the facts from the evidence that you saw and heard
13 here in court. That is your job, not my job or anyone else's
14 job. Your second duty is to take the law as I give it to you,
15 apply it to the facts, and decide if the Government has proved
16 the defendant guilty beyond a reasonable doubt.

17 You must perform these duties fairly and
18 impartially. Do not let sympathy, prejudice, fear, or public
19 opinion influence you. In addition, do not let any person's
20 race, color, religion, national ancestry, or gender influence
21 you. You must not take anything I said or did during the trial
22 as indicating that I have an opinion about the evidence or what
23 I think your verdict should be.

24 The charges against the defendant are in a document
25 called an indictment. You will have a copy of the indictment

1 during your deliberations. The indictment in this case charges
2 that the defendant committed the crime of retaliating against a
3 federal employee by false claim. The defendant has pled not
4 guilty to the charges. The indictment is simply the formal way
5 of telling the defendant what crimes he is accused of
6 committing. It is not evidence that the defendant is guilty.
7 It does not even raise a suspicion of guilt.

8 The defendant is presumed innocent of each and every
9 one of the charges. This presumption continues throughout the
10 case, including during your deliberations. It is not overcome
11 unless from all the evidence in the case you are convinced
12 beyond a reasonable doubt that the defendant is guilty as
13 charged.

14 The Government has the burden of proving the
15 defendant's guilt beyond a reasonable doubt. This burden of
16 proof stays with the Government throughout the case. The
17 defendant is never required to prove her innocence. She is not
18 required to produce any evidence at all.

19 You must make your decision based only on the
20 evidence that you saw and heard here in court. Do not consider
21 anything you may have seen or heard outside the court,
22 including anything from the newspaper, television, radio, the
23 Internet, or any other source.

24 This evidence includes only what the witnesses said
25 as they were testifying under oath and the exhibits that I

1 allowed into evidence. Nothing else is evidence. The lawyers'
2 statements and arguments are not evidence. If what a lawyer
3 said is different from the evidence as you remember it, the
4 evidence is what counts.

5 The lawyers' questions and objections, likewise, are
6 not evidence. A lawyer has a duty to object if he or she
7 thinks a question is improper. If I sustain objections to any
8 questions that were asked, you must not speculate on what the
9 answers might have been. If during trial I struck testimony or
10 exhibits from the record or told you to disregard something,
11 you must not consider it.

12 Give the evidence whatever weight you decide it
13 deserves. Use your common sense in weighing the evidence, and
14 consider the evidence in light of your own everyday experience.
15 People sometimes look at one fact and conclude from it another
16 fact exists. This is called an inference. You are allowed to
17 make reasonable inferences so long as they are based on the
18 evidence.

19 You may have heard the terms "direct evidence" and
20 "circumstantial evidence." Direct evidence is evidence that
21 directly proves a fact. Circumstantial evidence is evidence
22 that indirectly proves a fact. You are to consider both direct
23 and circumstantial evidence. The law does not say that one is
24 better than the other. It is up to you to decide how much
25 weight to give to any evidence, whether it's direct or

1 circumstantial.

2 It is proper for an attorney to interview any witness
3 in preparation for trial.

4 You have heard testimony that the defendant made a
5 statement to agents of the FBI. You must decide whether the
6 defendant actually made the statement and, if so, how much
7 weight to give to the statement. In making these decisions,
8 you should consider all the evidence, including the defendant's
9 personal characteristics and the circumstances under which the
10 statement may have been made.

11 You have heard a witness, namely, Monte Swank, who
12 gave opinions and testimony about fingerprint identification
13 and analysis. You do not have to accept his opinions and
14 testimony. You should judge his opinions and testimony the
15 same way you judge the testimony of any other witness. In
16 deciding how much weight to give to his opinions and testimony,
17 you should consider the witness' qualifications, how he reached
18 his conclusions, and the factors I have described for
19 determining the believability of testimony.

20 If you have taken notes during the trial, you may use
21 them during deliberations to help you remember what happened
22 during the trial. You should use your notes only as aids to
23 your memory. The notes are not evidence. All of you should
24 rely on your independent recollection of the evidence, and you
25 should not be unduly influenced by the notes of other jurors.

1 Notes are not entitled to any more weight than the memory or
2 impressions of each juror.

3 A lien or encumbrance includes any document claiming
4 an interest in property as security for a debt. A lien or
5 encumbrance is false unless a specific statute provides for it,
6 the property owner consents to it, or a court has imposed it.
7 A lien or encumbrance that asserts a fictitious debt or a debt
8 in excess of what is actually owed contains a false or
9 fictitious statement or representation.

10 The indictment charges that the crime happened,
11 quote, on or about, closed quote, certain dates. The
12 Government must prove that the crimes happened reasonably close
13 to those dates. The Government is not required to prove that
14 the crimes happened on those exact dates.

15 In deciding your verdict, you should not consider the
16 possible punishment for the defendant. If you decide that the
17 Government has proved the defendant's guilt beyond a reasonable
18 doubt, then it will be my job to decide on the appropriate
19 punishment.

20 The defendant has been accused of more than one
21 crime. The number of charges is not evidence of guilt and
22 should not influence your decision. You must consider each
23 charge separately. Your decision on each charge, whether it is
24 guilty or not guilty, should not influence your decision on any
25 other charge.

1 An offense may be committed by more than one person.
2 A defendant's guilt may be established without proof that the
3 defendant personally performed every act constituting the crime
4 charged. If a defendant causes the acts of another, then the
5 defendant is responsible for those acts as though she
6 personally committed them.

7 A person attempts to commit the offense of
8 retaliating against a federal official by filing a false lien
9 if she, one, knowingly takes a substantial step towards
10 committing the offense and, two, does so with intent to commit
11 the offense. A substantial step must be an act that strongly
12 corroborates that the defendant intended to carry out the
13 offense.

14 There will be more instructions as the case proceeds
15 and at the end, but that's just an initial group of
16 instructions for you. Please remember your numbers. You don't
17 need to wear them anymore, but don't forget them because at the
18 end of the case I'm going to refer to you again by juror
19 number.

20 The way I've done this proceeding today is the way I
21 do it in every case to keep your identities confidential
22 because, again, in federal court this is an open court. People
23 are free to come and go. This case will be uploaded to the
24 Internet eventually, and so we don't want your personal
25 identifiers or anything about you to be uploaded. The only

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1 thing that will appear on the Interest will be the numbers, so
2 that's why we've referred to you that way. Also, the
3 questionnaires that you filled out have been collected and will
4 be destroyed so that that information is also outside of the
5 public domain.

6 At this time, this Court recognizes Mr. Stump for
7 opening statement.

8 MR. STUMP: Thank you, Your Honor. May it please the
9 Court.

10 THE COURT: Mr. Stump, can you hang on? We're going
11 to hand out the notebooks.

12 (Brief pause.)

13 THE COURT: Okay, Mr. Stump. Thank you.

14 OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

15 MR. STUMP: Thank you, Your Honor.

16 Ladies and gentlemen of the jury, good afternoon.
17 From 1997 to 2011, the clerk of the court for this very
18 courthouse was a man named Michael Dobbins. Now, being the
19 clerk meant that Mr. Dobbins managed the administrative affairs
20 of the courthouse, things like the staff, the finances,
21 information technology, juries and, of course, the filing of
22 court documents.

23 Documents that were filed at the courthouse and
24 documents that were received at the courthouse were
25 date-stamped with his name, Michael W. Dobbins, and his title,

Stump - opening statement

1 Clerk of the U.S. District Court.

2 Well, in the summer of 2011, Mr. Dobbins was engaged
3 in a private real estate transaction. He owned a condo here in
4 Chicago that came with a parking space, and he was trying to
5 sell the parking space. Well, he was in the middle of the deal
6 when he was surprised to learn from his attorney that somebody
7 had placed a lien against his property. You can imagine the
8 even greater surprise when he found out that it was a maritime
9 lien naming Dobbins, the vessel, and claiming that he owed
10 someone named Devon Phillips \$100 billion.

11 Well, as it turns out, Mr. Dobbins was not alone in
12 this regard. Similar liens were recorded in the public record
13 against the property of 11 other federal officials, two federal
14 prosecutors, four federal judges, four federal task force
15 officers, and one federal agent. Of course, the liens were all
16 false, and the evidence will show that it was this defendant,
17 Cherron Marie Phillips, also known as River Tali, who caused
18 the liens to be filed, knowing when she filed them that they
19 were false.

20 Ladies and gentlemen, my name is Nathan Stump. I'm
21 an assistant U.S. Attorney in the Southern District of
22 Illinois. I'm here by special designation of the Attorney
23 General of the United States to present this case to you. With
24 me at counsel table is Josh Rongitsch. He's a special agent
25 with the FBI here in Chicago. He was the lead investigator in

Stump - opening statement

1 the case. Together he and I represent the United States of
2 America, and we're here today because what the defendant did to
3 those 12 people was not just wrong, but it was against the law.

4 Title 18, United States Code, section 1521, makes it
5 a federal crime for anyone knowingly to file or attempt to file
6 in the public record a false lien or encumbrance against the
7 real or personal property of any officer or employee of the
8 United States on account of the performance of that person's
9 official duties.

10 You may be wondering to yourself why anyone would do
11 that. Well, to understand why the defendant filed the liens,
12 you have to know a little bit of the back story. You see, from
13 2006 all the way to 2011 right here in this very courthouse,
14 there was another case called United States versus Phillips.
15 That case was assigned the case number 06 CR 778, and the
16 defendant in that case was Devon Phillips, this defendant's
17 brother.

18 Now, the evidence will show that Devon Phillips was
19 the subject of an investigation by federal task force officers
20 and federal agents with the Drug Enforcement Administration,
21 the DEA here in Chicago. They caught him selling cocaine, and
22 the U.S. Attorney for this district here in the Northern
23 District of Illinois brought federal drug-trafficking charges
24 against Devon Phillips right here in this building.

25 Pat Fitzgerald was the U.S. Attorney at the time.

Stump - opening statement

1 The lead prosecutor on the case was Assistant U.S. Attorney Tom
2 Shakeshaft, and the presiding judge was District Judge Joan
3 Lefkow. Now, for a variety of reasons, the case against Devon
4 Phillips dragged on for a few years, but in November of 2008 he
5 pled guilty.

6 While his case was still pending, the defendant in
7 this case regularly attended her brother's court proceedings.
8 Even though she wasn't an attorney of record or a party in the
9 case, you'll hear testimony that she spoke out on a number of
10 occasions in the courtroom and was disruptive. You'll also
11 hear evidence that she filed in the court record a number of
12 documents with strange legal-sounding names, like
13 administrative notice and demand, writ of quo warrant.

14 Ultimately, her misbehavior prompted Judge James F.
15 Holderman, who was then the chief judge of the U.S. District
16 Court, to convene a meeting of the court's executive committee.
17 On February 4th, 2011, the executive committee issued an order
18 against Cherron Phillips that placed some restrictions on her
19 ability to file document and attend court.

20 Now, five days after that order came out, February
21 9th, 2011, Judge Lefkow sentenced Devon Phillips, her brother,
22 to six and a half years in federal prison. Even though the
23 case at that point was essentially over and in spite of the
24 executive committee's order, the filings continued.

25 On February 18th, 2011, nine days after the

Stump - opening statement

1 sentencing, a document was filed in the record titled "Summons
2 to Appear." The document bore the signature of someone named
3 "River Tali" and a thumb print. The document ordered Judge
4 Holderman, who as you'll remember was the chief judge at that
5 time, to appear at a hearing before something called the common
6 law court. It warned him that if he didn't appear at the
7 hearing, he would be arrested.

8 Then on March 7th, 2011, just a few weeks later, a
9 large envelope arrived at the courthouse by registered mail
10 addressed to Chief Judge Holderman. In the envelope were a
11 number of documents, including one called "Common Law Bill of
12 Indictment," which called for the arrest of Judge Holderman for
13 failing to appear at the hearing as required by the summons.

14 Now, like the summons, many of the documents in this
15 packet included the signature of River Tali and a red thumb
16 print. Well, the return address on the envelope said that it
17 came from Devon Phillips, but by that point he had been
18 sentenced and was incarcerated and wouldn't have had access to
19 registered mail. So they strongly suspected that it was his
20 sister, Cherron Phillips, responsible for this mail.

21 Considering the bill of indictment as a potential
22 threat to the safety of the chief judge, the U.S. Marshal
23 referred the matter to Special Agent Rongitsch of the FBI here
24 in Chicago. Agent Rongitsch was working on another case that
25 involved similar kinds of documents. He'll tell you that

Stump - opening statement

1 because of that experience, when he found out about this, he
2 immediately became concerned that false maritime liens had been
3 filed against Chief Judge Holderman and other Government
4 officials.

5 Unfortunately, Agent Rongitsch was exactly right, but
6 he couldn't find the liens right away. The breakthrough came
7 in August of 2011 when Mr. Dobbins found the lien on his
8 parking space. Using the Dobbins lien as a guide, Agent
9 Rongitsch went down to the Cook County Recorder of Deeds and
10 quickly found eight other false maritime liens that had been
11 filed against Chief Judge Holderman, Judge Lefkow, U.S.
12 Attorney Fitzgerald, Assistant U.S. Attorney Shakeshaft, and
13 four federal task force officers who had all been involved in
14 the investigation and prosecution of Devon Phillips.

15 Well, in time Agent Rongitsch was able to find three
16 more liens. He found one against DEA Special Agent Jesse
17 Williams and two more against Federal Magistrate Judges
18 Geraldine Soat Brown and Arlander Keys. That made 12 total,
19 and these 12 liens were filed in March and April of 2011.

20 What you'll see is that the 12 liens are all signed
21 River Tali. They all bear a red thumb print. They all
22 reference the case of the defendant's brother, Devon Phillips,
23 by case number, and they all claim that the victims owe Devon
24 Phillips \$100 billion. Those 12 maritime liens are the reason
25 that we're all here today.

Stump - opening statement

1 When the trial is over, the overwhelming weight of
2 the evidence will show that the defendant, although she may not
3 have acted alone, Cherron Marie Phillips, also known as River
4 Tali, is the person responsible for the filing of the liens.
5 The evidence will also show that she knew they were false when
6 she filed them and that she filed them anyway as an act of
7 retaliation against the people she felt were responsible for
8 the investigation and the prosecution of her brother.

9 Now, ladies and gentlemen, the indictment in this
10 case charges 12 counts. That's one for each lien. It may take
11 the better part of several days for us to get through all the
12 evidence that we have to present to you.

13 I expect, for instance, that you're going to see more
14 than 40 exhibits, including some documents that were seized
15 from the defendant's home which definitively link her to the
16 commission of the crime.

17 I also expect that you're going to hear from over a
18 dozen of witnesses, including Mr. Dobbins, Chief Judge
19 Holderman, Judge Lefkow, former U.S. Attorney Pat Fitzgerald.
20 I also expect you're going to hear from an FBI fingerprint
21 examiner named Monte Swank, who will tell you that he found the
22 defendant's fingerprints on the mailing to Judge Holderman and
23 nine of the 12 maritime liens.

24 Now, when you've heard all of the testimony in this
25 case and you've seen all of the exhibits that there are to see,

Solomon - opening statement

1 I'm going to come back up before you and I'm going to deliver
2 my closing argument. At that time, I'm going to ask you to
3 return the only verdict that the evidence in this case will
4 allow, and that's a verdict of guilty as charged on all 12
5 counts. Thank you.

6 THE COURT: Thank you, Mr. Stump.

7 Ms. Solomon?

8 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

9 MS. SOLOMON: Judge, Mr. Stump, and ladies and
10 gentlemen of the jury, good afternoon.

11 The Government brings criminal charges in a criminal
12 case and, as Mr. Stump said, the Government also bears the
13 burden of proof, and that's proof beyond a reasonable doubt.
14 That's a heavy burden, and that's a burden that you must hold
15 him to as you listen during the course of the trial and you
16 then go back to deliberate.

17 Now, some people think of trials as the modern day
18 battles or the modern day gladiator conflicts and, really,
19 that's not really true. Lawyers are opposing one another in a
20 case, but what we really are are story tellers. We're the
21 modern day story tellers with formal rules and requirements.
22 In the past, stories were told around the hearth of the
23 fireplace, and they were probably more interesting. Lots of
24 times, the evidence or the witnesses that you're going to hear
25 are not really exciting or thrilling, but it's important

Solomon - opening statement

1 nonetheless that you listen to it all.

2 What's also important is that you keep an open mind.
3 So you have to think of a trial like reading a book, listening
4 to an audio book, or watching a film. Sometimes if you go into
5 it and read a book or you go into a film and have read a
6 review, then you come in with a preconceived idea of what
7 you're going to see or what you're going to read. Or if you're
8 like I am, I can't resist going to the end of the book to find
9 out what happens.

10 I don't want you to do that in this case. I want you
11 to listen to the evidence, listen to the witnesses, and keep an
12 open mind about what this case is about and ultimately whether
13 or not Ms. Phillips is guilty of the crimes with which she's
14 charged.

15 As Mr. Stump indicated, this case did not start with
16 a criminal case involving Ms. Phillips. It started with the
17 case of her brother, Devon. She had no connection to that case
18 other than her brother having been charged with that. So what
19 you have to think of, like a book or a movie, everything starts
20 with a seed. The seed in this case was Ms. Phillips' loyalty
21 and love for her brother. Now, she may have acted that out in
22 a misguided way, but what's important for you is to remember
23 that and to see how that seed develops in this case.

24 So I want you to listen carefully, be patient, be
25 tolerant, and at the end of the case reach a verdict of not

Dobbins - direct by Stump

1 guilty. Thank you.

2 THE COURT: Thank you, Ms. Solomon.

3 Mr. Stump, your first witness, please?

4 MR. STUMP: Your Honor, the United States calls
5 Michael Dobbins.

6 (Brief pause.)

7 THE CLERK: Raise your right hand.

8 (Witness duly sworn.)

9 MR. STUMP: If it's all right with you, I'm going to
10 stand here.

11 THE COURT: As long as we can hear you.

12 MR. STUMP: Thank you.

13 MICHAEL W. DOBBINS,

14 GOVERNMENT'S WITNESS, DULY SWORN

15 DIRECT EXAMINATION

16 BY MR. STUMP:

17 Q. Sir, could you start by saying your full name and spelling
18 your last name for the record?

19 A. My name is Michael W. Dobbins, D-o-b-b-i-n-s.

20 Q. Mr. Dobbins, what do you do for a living right now?

21 A. I'm a court administrator consultant.

22 Q. In what city and state do you live?

23 A. I live in Chicago.

24 Q. What did you do before you had your current job?

25 A. I was the Clerk of the United States District Court here

Dobbins - direct by Stump

1 for the Northern District of Illinois.

2 Q. How long were you the clerk of the court in this
3 courthouse?

4 A. From 1997 to December of 2011. I retired in 2011.

5 Q. Can you tell us a little bit about what the clerk of the
6 court does?

7 A. Sure. The clerk of the court is a federal position. It's
8 a statutory position appointed by the district judges, and the
9 position is responsible for the administrative and operational
10 support for the court. Administrative responsibilities are
11 human resources, budget, financial, fiscal, procurement. On
12 the operational side, we're responsible for filing cases,
13 maintaining the court record, the proceedings of the court.

14 Q. Can you tell us a little bit more about how documents are
15 filed at the courthouse?

16 A. Yes. On the operational side, when a new case comes in, we
17 are responsible for filing that case and assigning it to a
18 judge. Then all subsequent pleadings and documents in that
19 case get filed in and chronologically entered on the docket of
20 the court. In the course of filing that, we put the date and
21 the time of the proceedings.

22 Q. You just mentioned that you put the date and time of
23 proceedings. Is that a stamp that goes on the document?

24 A. Correct. It is a stamp. It has the court, the date, the
25 time, and my name.

Dobbins - direct by Stump

- 1 Q. It has your name on it?
- 2 A. It did -- or it does. Sorry.
- 3 Q. Well, it did.
- 4 A. Yes, correct.
- 5 Q. Did it also have your title on the stamp?
- 6 A. Yes, clerk of the court.
- 7 Q. I want to show you what's been marked for identification as
- 8 Government Exhibit 13.4. If you could take a look at that,
- 9 it's a one-page document. Just tell me if you recognize it.
- 10 A. I do.
- 11 Q. Where did you first see this document?
- 12 A. In the course of a real estate transaction. I owned a
- 13 condominium, and with that condominium I had a parking space.
- 14 I was selling it. There's one mortgage, but two different
- 15 properties, meaning that you get a different deed for the
- 16 parking space and you get a different deed for the condo. In
- 17 the course of selling my parking space, my attorney called me
- 18 and said: There's a lien filed against your property.
- 19 Q. What was your reaction when he told you that?
- 20 A. Well, I was shocked. I didn't know anything about it at
- 21 the time, so I learned about it through that real estate
- 22 transaction.
- 23 Q. And this document that I handed to you, what is it?
- 24 A. It says "Notice of Claim of Maritime Lien" with my name on
- 25 it.

Dobbins - direct by Stump

- 1 Q. And this particular document, have you seen this before?
- 2 A. Only when my attorney brought it to my attention.
- 3 Q. All right. How much does it say for the lien that you owe?
- 4 A. \$100 billion.
- 5 Q. And what was your reaction when you saw that?
- 6 A. I actually kind of laughed. My attorney, when he called
- 7 me, told me that he spoke with the title company and they said
- 8 that this is kind of a bogus thing.
- 9 Q. Now, as you see on the top of the document, there is a
- 10 number. There's a number of boxes, right?
- 11 A. Correct.
- 12 Q. Do you see your name at the top?
- 13 A. I do: "Name of vessel, Michael W. Dobbins."
- 14 Q. And next to that box that says "Name of vessel, Michael W.
- 15 Dobbins," there's another box that references a case number.
- 16 Do you recognize that case number?
- 17 A. I do not.
- 18 Q. All right. When you saw this, did you recognize the name
- 19 Devon Phillips on the document?
- 20 A. No, I did not.
- 21 Q. Do you know personally the defendant in this case?
- 22 A. I do not.
- 23 Q. Did you have any involvement with Devon Phillips or any
- 24 member of his family outside of your role as the Clerk of the
- 25 U.S. District Court?

Dobbins - cross by Solomon

1 A. I did not.

2 Q. And do you owe Devon Phillips or anyone in his family any
3 money at all?

4 A. I do not.

5 Q. I'll take that back.

6 A. (Handing document to counsel.)

7 MR. STUMP: One moment.

8 (Brief pause.)

9 MR. STUMP: Your Honor, that's all the questions I
10 have.

11 THE COURT: Ms. Solomon?

12 CROSS-EXAMINATION

13 BY MS. SOLOMON:

14 Q. Hello, Mr. Dobbins.

15 A. Hello.

16 Q. I'm Lauren Solomon, and I represent Ms. Phillips in this
17 case. Now, you're retired since December of 2011?

18 A. I retired at the end of December 2011.

19 Q. Congratulations.

20 A. Thank you.

21 Q. You indicated that as clerk of court, you did not -- as
22 clerk of court, you did not actually receive every filing that
23 occurred in this building.

24 A. Not me personally, it was filed at our public intake desk
25 or electronically.

Dobbins - cross by Solomon

1 Q. At some point, this district transferred from in-person
2 filing to electronic filing.

3 A. Correct.

4 Q. And at the time of the transition or currently, there is no
5 one physically accepting filings in this district, unless you
6 do not have an electronic filing number, is that correct?

7 A. I would only be guessing. I don't think they changed that
8 policy since I've left, but I don't know that for sure. I
9 mean, at that time that was correct when I was there.

10 Q. That's correct. The transition occurred during the time
11 that you were still the court clerk, right?

12 A. Right.

13 Q. And you indicated that you had no recognition of the case
14 number?

15 A. I don't recall it. We had thousands of cases, and I wasn't
16 involved in them.

17 Q. This is a pretty busy courthouse.

18 A. Right.

19 Q. You didn't recognize the name, and you didn't have any
20 personal contact with Ms. Phillips.

21 A. No.

22 Q. And you are not even aware of whether or not she came into
23 the courthouse and filed the documents herself.

24 A. I have no idea.

25 Q. And you indicated that this lien was placed against the

Dobbins - cross by Solomon

1 parking place.

2 A. It was -- when they did the title search, it was listed
3 against both properties. But it was the parking space
4 transaction where it was discovered, because I wasn't selling
5 the condominium. But it was listed against both. It was one
6 mortgage, but it was listed against both as I understand it.

7 Q. Okay. So it had been listed against both, but the condo
8 was not of concern because there was no transaction that was
9 pending.

10 A. Correct, correct.

11 Q. So it was the transaction with the parking space that
12 alerted you to this lien.

13 A. Correct.

14 Q. And prior to that, do you know how long that lien had been
15 on the parking space prior to your becoming aware of it?

16 A. No, I'm not sure. The real estate transaction where I
17 discovered this occurred in the late spring or the summer of
18 2011.

19 Q. And you said that your attorney contacted the title
20 company?

21 A. Yes, he did.

22 Q. And the title company cleared the lien off the title?

23 A. Well, once I became aware of it, once I became aware of it,
24 I notified the U.S. Attorney's office and the U.S. Marshal, but
25 also I understand that the U.S. Attorney's office had sent

Dobbins - cross by Solomon

1 something to the county about it. But my lawyer had spoken
2 with the title company, and the title company and my lawyer
3 determined that it was a bogus claim, and the transaction went
4 forward.

5 Q. So you were successful in selling the parking space.

6 A. Correct, yes.

7 Q. And were you aware that at some point there was a
8 revocation of the lien that was filed?

9 A. No, I'm not.

10 Q. So that might have been after this transaction?

11 A. It could have been, but I'm not aware.

12 Q. But as far as you know, there's no lien any longer on any
13 property that you own?

14 A. Not that I'm aware of, no.

15 Q. Certainly not involving this.

16 A. Well, I don't know that they've done away with the lien,
17 other than they don't acknowledge it. I don't know. I have
18 received no notice that the lien has been taken off. My lawyer
19 and the title company just said it was bogus.

20 Q. Okay. So you were able to go through with the transaction.

21 A. I was, yes.

22 MS. SOLOMON: Okay. Thank you. Nothing further.

23 THE COURT: Mr. Stump?

24 MR. STUMP: Just two brief follow-up questions.

25 THE COURT: All right.

Dobbins - redirect by Stump

1 REDIRECT EXAMINATION

2 BY MR. STUMP:

3 Q. Mr. Dobbins, you said the transaction occurred around the
4 summer of 2011?

5 A. Correct.

6 Q. At that time, were you still the clerk of the court?

7 A. Yes, I was.

8 Q. And you said that you are not sure if the lien is still on
9 your property, is that right?

10 A. Correct. What I understood was the U.S. Attorney's office
11 on behalf of the people who are listed sent something to the
12 county to get it cleared up, but I didn't receive anything
13 saying it's actually taken off. It's just that they took care
14 of it, I suppose, as far as I know.

15 MR. STUMP: All right. Thank you, Your Honor.

16 That's all I have.

17 MS. SOLOMON: Nothing further.

18 THE COURT: May Mr. Dobbins be released from further
19 testimony?

20 MR. STUMP: Yes, Your Honor.

21 THE COURT: Ms. Solomon?

22 MS. SOLOMON: Yes, Your Honor.

23 THE COURT: Thank you, sir. We won't need you again.

24 THE WITNESS: Thank you. I appreciate it.

25 (Witness excused.)

W. Holderman - direct by Stump

1 THE COURT: Mr. Stump?

2 MR. STUMP: Your Honor, the United States calls

3 Ms. Wendy Holderman.

4 (Brief pause.)

5 THE COURT: Raise your right hand.

6 (Witness duly sworn.)

7 WENDY HOLDERMAN,

8 GOVERNMENT'S WITNESS, DULY SWORN

9 DIRECT EXAMINATION

10 BY MR. STUMP:

11 Q. Good afternoon, ma'am.

12 A. Good afternoon.

13 Q. Could you start by just telling us your name, spelling your
14 last name, please?

15 A. Sure, Wendy Holderman, H-o-l-d-e-r-m-a-n.

16 Q. Ms. Holderman, I have to ask this. Are you any relation to
17 a judge here in this courthouse named James Holderman?

18 A. No, sir.

19 Q. Where do you work, Ms. Holderman?

20 A. At the Cook County Recorder of Deeds office.

21 Q. Where is that office located?

22 A. 118 North Clark is the headquarters. We also have the six
23 satellites.

24 Q. Six satellite offices?

25 A. Suburban courthouses.

W. Holderman - direct by Stump

1 Q. Okay. What do you do for the Cook County Recorder of
2 Deeds? If you don't mind, I'm going to call it the CCRD.

3 A. I know, and I don't.

4 Q. Okay.

5 A. My title is attorney title examiner. My function there is
6 I'm a staff attorney trained in all aspects of recording from
7 document review to cashiering.

8 Q. In that position, are you familiar with the way in which
9 documents are recorded at the Cook County Recorder of Deeds?

10 A. Yes. I also recorded documents myself for 15 years.

11 Q. All right. Can you --

12 A. I've been there 25 years.

13 Q. You know, first before I ask you the question, let me show
14 you what we've marked for identification as Government Exhibits
15 20.1 through 20.5.

16 A. A picture of my office.

17 Q. Could you just look through those documents and tell the
18 jury, if you don't mind, if you recognize what I've handed to
19 you?

20 A. Yes. This is the front entrance of my office across from
21 the Daley Center, the County Building. This is our entrance
22 door, our review counter, and our cashier section, and another
23 of the cashier section.

24 Q. All right. These are all photographs, is that right?

25 A. They're scanned. I don't know if this is a photograph.

W. Holderman - direct by Stump

1 It's a scanned image.

2 Q. A scanned image of a photograph.

3 A. Uh-huh.

4 Q. And are those scanned images true and accurate in the sense
5 that they fairly depict the way that your office at 118 North
6 Clark Street looks today?

7 A. 100 percent.

8 Q. And did your office look that same way in March and April
9 of 2011?

10 A. The only difference might have been that we have a prettier
11 information desk.

12 Q. Today.

13 A. Yes, new furniture.

14 Q. Okay.

15 A. Just the information desk.

16 Q. Otherwise, this is a fair and accurate depiction of how the
17 office looks inside and out?

18 A. Identical, identical.

19 MR. STUMP: Your Honor, I just want to move for the
20 admission of Government Exhibits 20.1 through 20.5.

21 THE COURT: Any objection?

22 MS. SOLOMON: No objection.

23 THE COURT: 20.1 through 20.5 are admitted with no
24 objection.

25 (Government Exhibits 20.1, 20.2, 20.3, 20.4, and 20.5

W. Holderman - direct by Stump

1 received in evidence.)

2 MR. STUMP: Your Honor, permission to publish them to
3 the jury by passing them around?

4 THE COURT: Okay. Folks, you can pass those around
5 and look at them, but we're going to continue with the
6 testimony, recognizing that you're able to chew gum and walk at
7 the same time.

8 (Laughter.)

9 BY MR. STUMP:

10 Q. Now, Ms. Holderman, can you tell us a little bit about how
11 documents are recorded at the Cook County Recorder of Deeds?

12 A. Sure. It's a very short process. The customer walks in
13 with the paper document, the live document with ink signatures.
14 The document is reviewed for basic requirements at the review
15 desk. Then when ready, they're directed to the cashier. The
16 cashier will issue the bar code, which assigns a recording
17 number. The cashier will then scan the document to make a
18 permanent image and hand the document immediately back to the
19 customer. We store no originals. Forgive me for being
20 nervous. Then the fee is collected, and we conclude our
21 transaction by issuing a register receipt to the customer and
22 say bye-bye.

23 Q. Now, you said something about there being a review of the
24 document before it's recorded. What sorts of things does
25 someone who works at the CCRD look for when they're recording a

W. Holderman - direct by Stump

1 document?

2 A. Sure. Basic review, for example, for a mortgage, a routine
3 document we see every day. A mortgage has several
4 requirements, and we're required to look for them before we can
5 record. So there is the PIN number requirement by county
6 ordinance. There's the anti-pred certificate on the front of
7 the mortgage. There's the contents of the mortgage that's in
8 the conveyances statute. Everything is a statute or an
9 ordinance I'm referring to. Then the finale is the preparer's
10 information that's also required by the recorder's statute so
11 that you know who prepared the document and presented it.
12 That's a routine document.

13 Q. I'm going to ask you a couple more things about the way
14 documents are filed and recorded.

15 A. Okay.

16 Q. You said something about how the document is not retained,
17 that it's just scanned.

18 A. Uh-huh.

19 Q. What happens to the original?

20 A. It's handed immediately back to the customer.

21 Q. You said also something about -- did you say a sticker or
22 something like that, some bar code?

23 A. Uh-huh.

24 Q. Can you tell us what that is?

25 A. Sure. Again, the process is they present the document. We

W. Holderman - direct by Stump

1 give it a basic review, like I explained, and then afterwards
2 the document is directed to the cashier. The cashier has the
3 ability to issue the bar codes. They are a sticker that goes
4 on the doc. But by statute, even before there were such things
5 as bar codes, we had to manually punch document numbers onto
6 the document. That's the way that you find the document again.
7 We index by document number. We index by property, if there's
8 a property relation to the document. We index by the parties
9 to the document.

10 If you record your living will, which is a medical
11 document, it's not going to be real estate. We're going to
12 pick up the parties to the document, and that's all, and your
13 recording number. If you record a real estate document, we're
14 going to pick up PINs -- property tax numbers. Sorry. We're
15 going to pick up parties. We're going to pick up the doc
16 number. So it's three or it's two, technically.

17 Q. Now, you say a document number. How does a document that's
18 recorded at the CCRD get assigned a document number?

19 A. Sure. It's sequential numbers, but they're random, which
20 means that if a customer walks into our Skokie office or walks
21 into our Rolling Meadows office or walks in Downtown all at the
22 same second, they're not going to get sequential numbers
23 because obviously they're in different places. But our numbers
24 are all 1 through, and the number that the machine generates
25 automatically spits out the next one. Then there's a bank of

W. Holderman - direct by Stump

1 numbers.

2 It's required by statute that these things be found
3 again. Think of it like -- I always say this to customers --
4 like the Dewey Decimal System. I'm not familiar with that, but
5 I've been to libraries. If you don't assign a number to this
6 thing, then maybe this document doesn't have a PIN number, so
7 you can't track it that way. Maybe it doesn't have legible
8 names, so you can't track it that way. That document number is
9 the last and only hope to find it. So the statute, the
10 recorder's statute requires it, but it's really, really
11 essential.

12 So we're now automated, so everything has bar codes.
13 So we can scan it, and the bar code shows on the front of the
14 document in the upper right as required by law. But we have a
15 design law as well, how the document should look when it's
16 presented.

17 Q. Just to make sure I understood, the number that's assigned
18 to a document at the CCRD, is that a unique number, or is it
19 possible that there's other documents with the same exact
20 number?

21 A. Okay. No, they cannot be the same number. In fact, when
22 that happens, it throws the image out. So it kind of raises an
23 alarm. Everything is a separate number. So she gets her own
24 separate number only, and he gets his own separate number only.

25 Q. And this bar code that you're talking about, you said

W. Holderman - direct by Stump

1 before you used to just stamp it on the --

2 A. Peel the sticker and put it on. In the old days, it was
3 the Bates stamper.

4 Q. In the old days, it was a Bates stamper. Now it's a
5 sticker?

6 A. Yeah. I'm old school, so I've been around during the Bates
7 days, too. You get a nice big muscle when you're pumping away
8 at the stamper. If you had 50 documents in a sequence from a
9 closing, then bam, bam, bam, bam, bam. Today it's a peeled
10 sticker, very nice.

11 Q. How old is the CCRD? How long has it been around?

12 A. 1871 to the present.

13 Q. And do you still have documents there that are recorded
14 that go back that far?

15 A. Absolutely.

16 Q. How long did you say you've been working there?

17 A. This is my 25th year.

18 Q. And is the CCRD, is that a public record?

19 A. Yes.

20 Q. Are all those documents available to anyone that wants to
21 go look at them?

22 A. Yeah. The Cook County Recorder of Deeds is the official
23 public records library for the Cook County area. Our records
24 date from 1871 to the present. Our records are permanent.
25 Anything recorded, there is no provision to erase, remove,

W. Holderman - direct by Stump

1 delete, expunge. If we do it, it's forever. Hopefully, your
2 documents are drafted properly; otherwise, you spend more money
3 fixing and fixing and fixing.

4 Q. Let me show you what we've marked for identification as --
5 (Discussion off the record.)

6 BY MR. STUMP:

7 Q. -- Government Exhibits 13.1 through 13.12. Could you take
8 a look at those and let me know after you're done flipping
9 through them if you recognize them?

10 A. Yes. They all have a bar code, and they all have a
11 certification seal. So the certification seal means that this
12 is an exact duplicate of a scanned original image presented by
13 the customer.

14 Q. Okay. Now you're talking about different markings that are
15 on the documents. Let me ask you more of a broader question.

16 A. Okay.

17 Q. Can you tell looking at these documents -- again, this is
18 13.1 through 13.12 -- were these documents recorded at the Cook
19 County Recorder of Deeds?

20 A. Yes. I see that there's a bar code image on the top, but
21 obviously bar codes can be cut and paste, right? On the back,
22 there's the certification seal. The certification means that
23 this is -- that we stand by this. By statute and by our honor,
24 we stand behind the certification. It means the document is an
25 exact duplicate of a scanned original image. We don't issue

W. Holderman - direct by Stump

1 certifications unless the image is printed from our library.
2 We accept no records brought in by a customer after the fact
3 who says: Hey, I made a copy to save you paper. Can you seal
4 it?

5 We say: Thank you very much. Put that away, please.
6 Then we go to our database and we print.

7 Q. Now just to be clear, these documents I handed to you, 13.1
8 through 13.12, are they originals or are they copies of the
9 original image? Do you understand my question?

10 A. Yes.

11 Q. All right.

12 A. Okay. So a bar code is a raised seal or a raised sticker.
13 I can see there is no raised sticker. I can't peel anything
14 off. The certification tells the recorder's staff and the
15 public and the court, because these are used in court, that
16 this is an exact duplicate, a duplicate of an original scanned
17 image.

18 So the original was presented back on March 14th,
19 2011, and that one laid around. A certified copy was
20 requested. Let's say the person says they lost their deed and
21 want to get a backup copy. Well, our statute allows us to
22 charge for a copy, \$10 and change, and a certified which is
23 good enough to replace an original or to use in court, which is
24 \$20 plus.

25 So these are copies that have been officially

W. Holderman - direct by Stump

1 certified by our office as an exact document copy of what was
2 recorded at that moment in time, March 14th, 2011, 4:12 p.m.

3 MR. STUMP: All right. At this time, Your Honor, I'm
4 going to move for the admission of Government Exhibits 13.1
5 through 13.12.

6 MS. SOLOMON: I would like to see them.

7 (Discussion off the record.)

8 MS. SOLOMON: No objection, Your Honor.

9 THE COURT: 13.1 through 13.12 admitted, no
10 objection.

11 (Government Exhibits 13.1, 13.2, 13.3, 13.4, 13.5, 13.6,
12 13.7, 13.8, 13.9, 13.10, 13.11, and 13.12 received in
13 evidence.)

14 BY MR. STUMP:

15 Q. Now, Ms. Holderman, recognizing the limitations of our
16 courtroom, I can't show to the jury right now what we're
17 talking about, so I'd like, if I could, to just walk through a
18 couple of things on this exhibit. I'm looking now -- you know,
19 I'm going to look at 13.4 here. Can you just read for us where
20 it says "name of vessel" what it says there?

21 A. "Michael Dobbins."

22 Q. Okay. Michael Dobbins, D-o-b-b-i-n-s?

23 A. Yes, sir.

24 Q. And if you can tell us, just read for me in box 2 what it
25 says there where my finger is (indicating).

W. Holderman - direct by Stump

1 A. "Unique identifier."

2 Q. Okay. Then underneath that?

3 A. It's got some kind of a case.

4 Q. Can you just read it for us?

5 A. "Case No. 06 CR 778."

6 Q. All right. Now, this kind of a document, it says "Notice
7 of Claim of Maritime Lien."

8 A. Okay.

9 Q. Is that something that is reviewed? Is the substance of
10 the document reviewed at the Cook County Recorder of Deeds
11 before it's recorded?

12 A. No.

13 Q. What sorts of things would prevent something like this from
14 being recorded?

15 A. Having no statute to base it on, having no knowledge of the
16 document, having no understanding of the contents, "maritime,"
17 that's boats. We're the real estate library. We don't deal
18 with boats, so I would have no idea what to do with this. We
19 would assume it's public storage.

20 Q. What does that mean?

21 A. Well, people record docs that they just want in the public
22 records office. I've seen poetry recorded. I've seen artwork
23 recorded. So if it's a doc we don't know what to do with and
24 the customer insists it gets recorded, we record it. Our
25 function is as the public records library. Remember, I said

W. Holderman - direct by Stump

1 part of it is real estate and part of it is non-real estate.

2 So there's non-real estate which is our storage aspect. There

3 are docs you might want to record just for your own purposes,

4 and people do.

5 Q. In a sense then, is anybody at the Cook County Recorder of

6 Deeds fact-checking documents like that before they're

7 recorded?

8 A. Sir, we have no training in this document, no training.

9 Q. Okay. Just to be clear, the answer is no?

10 A. No, sir.

11 Q. All right. There is a sticker. I want to go back to 13.4.

12 You talked about a sticker that was placed on the document. Do

13 you see --

14 A. The bar code?

15 Q. -- the bar code there?

16 A. I see the bar code.

17 Q. All right. Can you tell us, because the jury doesn't have

18 the benefit of looking at this right now, what sort of

19 information is captured there on Exhibit 13.4 under the bar

20 code?

21 A. Okay. So all the routine bar codes read a document number,

22 that unique number that I said gets assigned so that you can

23 find it again. It shows the price, the recording fee. It

24 shows the then recorder or the current recorder. So this was

25 done in the prior administration of Eugene Moore. The current

W. Holderman - direct by Stump

1 administration is Karen Yarbrough. I better remember that.
2 She signs my checks. The Cook County Recorder of Deeds is
3 identified here, too, and the date, time, and the page count,
4 one of one, one of one.

5 Q. Is there also a price listed there?

6 A. Yes, that's the fee, \$38.

7 Q. How do fees work at the Cook County Recorder of Deeds?

8 A. Real estate documents, there's a lot of add-ons or tack-ons
9 or surcharges, so I'm just going to give you the base. The
10 base fee for real estate is actually not the base. It's the
11 bottom line. The base -- sorry -- the bottom line is \$50 for a
12 real estate filing, and it will say on there RHSP, the rental
13 housing surcharge, real estate, and a dollar for the recorder's
14 real estate surcharge. So the base recording fee is 40, but
15 for real estate you're always going to tack on 10. So now it's
16 50, and you're stuck. That's it.

17 Non-real estate filings, like this one here, don't
18 identify the RHSP and the recorder's fee. So the 10 is not
19 showing. Our bar codes are very money-detailed because we need
20 to identify like all the statutes and everything. It reduces
21 the amount of questions: How come you're charging me this?
22 How come you're charging me that?

23 So we make it very detailed. The receipt is even
24 more detailed on the breakdown of fees because taxpayers have a
25 right to know. So \$38 was the base fee on this one back in

W. Holderman - direct by Stump

1 2011, but actually now it's \$40 for a non-real estate filing.
2 The bar code also shows, if I didn't say it already, the time,
3 date, and the page count.

4 Q. Can you tell us or read aloud then the date and time on
5 that particular document, which is 13.4?

6 A. Yes, sir. Do you want the document number or the time?
7 What are you asking for again?

8 Q. I'm sorry. The date and the time.

9 A. Okay. The date is March 14, 2011. The time is 4:13 p.m.
10 So it's not too far from closing.

11 Q. And what is the significance then of that date and time?
12 What does that mean?

13 A. It's required that we identify the second in time and the
14 date in time when something is recorded. Think of it this way.
15 If you have a foreclosure and you have a deed and then there's
16 a mortgage and another mortgage, somebody gets paid first in
17 the foreclosure. So the time and date are essential to show
18 who's first in time in priority of documents. So it may not
19 mean anything to a non-real estate document, a public storage
20 doc, whatever, but it means a lot in other documents.

21 Q. The first to the courthouse.

22 A. First to the courthouse, yeah.

23 Q. I want to go back to the payment, the fee.

24 A. Okay.

25 Q. What sorts of methods of payment does the CCRD accept?

W. Holderman - direct by Stump

1 A. Cash, check, and just this last year or this year charge
2 for the first time.

3 Q. In 2011?

4 A. No, cash or check.

5 Q. Just cash or check.

6 A. We only went live charges in 2014.

7 Q. Now, you said, I think, that after a patron pays to have a
8 document recorded, they are issued a receipt, is that right?

9 A. It's required in the recorder's statute that we give them a
10 receipt.

11 Q. Does the CCRD also maintain a copy of that receipt?

12 A. No, sir. They have a period of time where we can reprint
13 and reprint and reprint. Then if enough years pass, like I
14 can't pull a 2005 or 2004 receipt, probably too old.

15 Q. Could you pull a 2011 receipt?

16 A. Absolutely.

17 Q. I'm going to show you what we've marked for identification
18 as Government Exhibits 14 through 17.

19 A. Okay.

20 Q. Each one is just a single piece of paper. Could you just
21 look those four pieces of paper and let me know if you
22 recognize them?

23 A. They're our official receipts.

24 Q. These are official receipts from the CCRD?

25 A. From the Cook County Recorder of Deeds office, yes.

W. Holderman - direct by Stump

1 Q. How can you be so sure?

2 A. I handle these all the time, every single day, and I've
3 issued for 15 years my own receipts when I headed up the Skokie
4 recorder's office. This is our paper, which is kind of like
5 nasty fax paper. It shows the "Recorder of Deeds" at the top.
6 It shows "issued to." So we try to put the customer's contact
7 information in the receipt, but most of time the customers
8 don't always offer.

9 Then it shows the pricing breakdown like I said but
10 in much more detail. So in the document ending 8083, it shows
11 "miscellaneous," which was the way we recorded it, not knowing
12 how to index it, and "RHSP." So there must have been real
13 estate on that particular document because they charged them
14 the 10 bucks. Then again there appears another 10 bucks for
15 the doc ending in 8085. It shows a cash payment, change due,
16 and Karen Yarbrough. So this was during the current recorder's
17 administration.

18 Q. What was during the current recorder's administration?

19 A. The recording of this one.

20 Q. The recording or the printing of it?

21 A. Oh, the reprint, that's right. The reprint is 2013. I
22 don't know why they do that. When you reprint a receipt, it
23 gives a plug to the current recorder, and her name comes on the
24 receipt. I love her, so I'm not picking on anyone. But if you
25 wanted a mirror image receipt, it shows reprint. But then it

W. Holderman - direct by Stump

1 should say "Eugene Moore," but it's plugging the new recorder.

2 Q. Now, can you tell just from looking at those receipts what
3 documents they match up with?

4 A. Yes. As I was saying to the jury, the last four digits of
5 the docs, they have actually the full number on there. So we
6 can match the numbers very quickly.

7 Q. Would you do that real quickly? I'd like you to use
8 Government Exhibits 13.1 through 13.12.

9 A. Okay.

10 Q. And those are Exhibits 14 through 17. See if you can match
11 up any receipts with any of the liens there.

12 A. Okay. So I have on this receipt 8081. We don't like to
13 read the whole number. We get lazy. So the last four digits
14 is how we go, 8081, 8082, 8083, 8084, 8085. Do we have a 8086?

15 Q. No, I think that's it.

16 A. Okay. So this receipt matches to this group. Do you want
17 me to move them, sir?

18 Q. If you wouldn't mind, just tell us which exhibit matches
19 with which exhibit.

20 A. Okay. So Exhibit 14 has the majority of the documents from
21 Exhibit 13.1.

22 Q. Through?

23 A. 13.5.

24 Q. Okay. What about 15?

25 A. I'm on that one. 15 has 0034, 35, 36, 37, okay. So the

W. Holderman - direct by Stump

1 grouping of Exhibits 13.6 through 13.9, the documents match
2 this cash register receipt, Government Exhibit 15.

3 Q. Okay. Thank you. How about Government Exhibit 16?

4 A. Okay. This was a single recording. The document ending in
5 7043, Exhibit 13.10 and Government Receipt Exhibit 16 are a
6 match.

7 Q. Okay. The last one is Government Exhibit 17. What does
8 that match?

9 A. Receipt 17, documents 1007 and 1008, it's a match to docs
10 13.11 and 13.12, and that's it.

11 Q. So just to summarize what we just did, for Exhibits 13.1
12 through 13.12, what is the relationship between those exhibits
13 and Exhibits 14 through 17?

14 A. They're the two parts of the transaction at the cash
15 register. You have the scanning and recording of the doc, you
16 have the fee collected and the receipt issued directly to the
17 customer.

18 MR. STUMP: At this time, Your Honor, I'd move for
19 the admission of Governments Exhibits 14 through 17.

20 MS. SOLOMON: No objection.

21 THE COURT: 14 through 17 admitted, no objection.
22 (Government Exhibits 14, 15, 16, and 17 received in
23 evidence.)

24 MR. STUMP: Your Honor, at this time I'm going to ask
25 for permission to publish to the jury by passing around

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1 Government Exhibit 13.4.

2 THE COURT: Granted.

3 MR. STUMP: With that, I'm then also going to publish
4 Government Exhibit 14.

5 (Discussion off the record.)

6 BY MR. STUMP:

7 Q. All right. When a person records a document at the CCRD,
8 is there any information that's taken down by the Cook County
9 Recorder of Deeds as to who they are?

10 A. No, we don't ask for an ID, like a driver's license or
11 something when someone walks in the door. It's a public
12 records library. The only time we actually are talking about
13 identification or things like that is when they're paying. So
14 the receipt sometimes has the name and address of the person
15 filing or the title company or whoever is doing the filing.
16 Other than that, we don't -- as a public records library, we
17 don't accost them and say: Give me your ID.

18 Q. So if there's information reflected on the receipt about a
19 person, where does that information come from?

20 A. The person standing before the cashier. The cashier will
21 actually ask the customer, sir.

22 Q. And does the cashier do anything to verify the information
23 that the customer gives him?

24 A. No, sir.

25 Q. I want to look at the ones I have here. This is Exhibits

W. Holderman - direct by Stump

1 15, 16, and 17. Can you tell us, is there anywhere on these
2 exhibits that reflects some information about who recorded
3 those documents?

4 A. Yes. It looks like the cashier would have asked -- sorry,
5 the cashier asked, not looks like. This is not much
6 information here. The cashier would have asked at the time of
7 paying: Can I have your name?

8 Then they start typing because there's a typing
9 screen by the cash register, and very little was provided. The
10 first one, Exhibit 15 shows a name which I can't pronounce.

11 Q. Can you spell it for the record?

12 A. It says: Issued to T-s-a-m-a-r-a, space, E-l, and a phone
13 number.

14 Q. All right. How about Exhibit 16?

15 A. Cherron.

16 Q. I'm sorry. Can you spell that for the record?

17 A. C-h-e-r-r-o-n.

18 Q. Okay. C-h-e-r-r-o-n?

19 A. Uh-huh.

20 Q. And what about the last one there, Exhibit 17?

21 A. That's Wayne, W-a-y-n-e, and the phone number.

22 Q. All right. Thanks.

23 A. It's what little the customer is willing to give to our
24 cashier when they type it in.

25 Q. Now I want to show you what's been marked for

W. Holderman - direct by Stump

1 identification as Government Exhibits 18 and 19.

2 Ms. Holderman, do you recognize those documents as having been
3 recorded at the Cook County Recorder of Deeds?

4 A. Okay. So I see a bar code on the front, but I have to look
5 it over to look for the certification seal. Again, here's our
6 official seal, meaning that this is an exact duplicate of a
7 scanned original image suitable for using in court or to
8 replace lost originals. We charge half the recording fee. So
9 a recording fee starts at 40 unless it's real estate, 20 for
10 the certifieds for the first two pages, and then \$2 for each
11 page after that. So this was an expensive certified, not that
12 anyone cares.

13 Q. Just to be clear, these two documents, Exhibits 18 and 19,
14 are they, in fact, certified copies of scanned images that were
15 recorded at the CCRD?

16 A. 100 percent.

17 MR. STUMP: All right. At this time, Your Honor, I'd
18 move for admission of Government Exhibits 18 and 19.

19 THE COURT: Any objection?

20 MS. SOLOMON: No objection.

21 THE COURT: 18 and 19 admitted, no objection.

22 (Government Exhibits 18 and 19 received in evidence.)

23 BY MR. STUMP:

24 Q. Now, Ms. Holderman, what I want to ask you is this. Can
25 you tell us -- and just read it for the jury because they don't

W. Holderman - direct by Stump

1 have the benefit of seeing these right now -- is there a title
2 on these documents?

3 A. Yes, sir.

4 Q. Can you read that, where I've got my finger (indicating)?

5 A. Uh-huh.

6 Q. What does it say?

7 A. "Revocation of Maritime Lien." Both of them share the same
8 title.

9 Q. Okay. So both documents, 18 and 19, say "Revocation of
10 Maritime Lien," is that right?

11 A. Uh-huh.

12 Q. All right. Then let's just take No. 19. Would you read
13 into the record this little paragraph right here which starts
14 with "please take notice"?

15 A. "Please take notice in the Cook County Recorder of Deeds
16 that the following notice of maritime lien registered mail
17 RE262739636 U.S., associated with the United States District
18 Court, Northern District Case No. 06 CR 778, recorded on the
19 follow dates have been revoked."

20 Okay?

21 Q. Okay. That language there, "take notice that the following
22 documents have been revoked," what is the practical effect of
23 that at the Cook County Recorder of Deeds?

24 A. None.

25 Q. Okay. What happens then to those liens that we were just

W. Holderman - direct by Stump

1 looking at, Exhibits 13.1 through 13.12? These documents here,
2 18 and 19, do they undo those liens?

3 A. I told you we don't know what these documents do or what
4 purpose they have. So, no, we would have no way of knowing
5 what they do and what they don't do. I would think the filer
6 knows what they do or what they don't do. We do not know what
7 they do or don't do, and we don't even know the purpose. We
8 don't deal with boats at all.

9 Q. Let me put it this way then. As a result of having these
10 two documents, 18 and 19, recorded at the Cook County Recorder
11 of Deeds, were those liens, 13.1 through 13.12, were they
12 expunged from the records at the CCRD?

13 A. I said that our records are permanent and forever. Nothing
14 is ever erased, expunged, deleted, or removed. There's no
15 provision in the recorder's statute for erasing, deleting,
16 expunging, or removing.

17 Q. And let me, if I can, just have you match up it for me.
18 We'll do this little exercise one more time. There are some
19 document numbers listed on these two exhibits, is that right,
20 where I'm looking is, I guess, where it says "docket"?

21 A. We don't use the word "docket."

22 Q. But do you recognize these numbers here as being numbers
23 that would have been document numbers issued by the Cook County
24 Recorder of Deeds?

25 A. No way of knowing, but I see here that the author wrote the

W. Holderman - direct by Stump

1 words "date recorded." So if we want to make an assumption, we
2 can make an assumption. This is not a document I'm familiar
3 with, but I can certainly read.

4 Q. Okay. Could you look and see -- well, I want you to look
5 first at 18 maybe.

6 A. Okay.

7 Q. Could you see if these numbers that are listed here under
8 "docket" have any relationship to numbers that are here on the
9 bar code that was assigned by CCRD?

10 A. Okay. Using the reference in the document that uses the
11 word "docket," I see a number that seems to be identical.

12 Q. All right. Can you read that number into the record?

13 A. The Exhibit 3.3 has a recording number of 11-07318083. The
14 reference in the revocation doc shows "Docket 11-073118083."
15 So it seems to be typing the identical number in both spots.

16 Q. And you've matched it to --

17 A. It's more common when you have a mortgage and a release,
18 where the release mentions the mortgage number. We can match
19 those up. If we're familiar with the document, it's easier.

20 Q. Just to be clear, you could match up then the number for
21 13.3 with a number that appears on Exhibit 18. Is that what
22 you just testified to?

23 A. Say that again.

24 Q. I'm sorry. You just matched up this number right here that
25 is just under the bar code on 13.3 with a number that appears

W. Holderman - direct by Stump

1 on the front of Exhibit 18, is that right?

2 A. Right, right.

3 Q. And what is the name on the lien associated with 13.3?

4 A. James Holderman.

5 (Discussion off the record.)

6 BY MR. STUMP:

7 Q. Okay. If you could look at the bottom of 18 and 19, is
8 there a signature on those documents right here (indicating)?

9 A. On the bottom of 19? Yes.

10 Q. All right. Can you make out what the signature says? Can
11 you read it?

12 A. No, but I can see that there's a similar spelling at the
13 top where it says "prepared by."

14 Q. All right. Well, tell us what does it say under "prepared
15 by," and what part of the document are you looking at?

16 A. In the upper left, it says "prepared by Cherron Phillips."

17 Q. I'm sorry. Say that again.

18 A. "Cherron Phillips."

19 Q. Okay. Can you spell it?

20 A. C-h-e-r-r-o-n, space, P-h-i-l-l-i-p-s, "prepared by."

21 Q. Then at the bottom of the page, do you see a signature
22 there?

23 A. Uh-huh.

24 Q. And can you tell us, as best as you can, can you read that
25 signature?

W. Holderman - cross by Solomon

1 A. I'm not a signature expert. It shows "by Cherron Marie,"
2 and it looks like "Phillips."

3 Q. All right. How about for Exhibit 18? Can you turn to the
4 second page of Exhibit 18, and do you see a similar signature
5 on that page, just to your layperson's eye?

6 A. They look very similar.

7 Q. And could you tell us on the first page of Exhibit 18, is
8 there a similar notation at the top?

9 A. It's the same name, "Cherron Phillips." It's the same
10 name, same spelling.

11 MR. STUMP: All right. That's all I have, Your
12 Honor.

13 THE COURT: Ms. Solomon?

14 CROSS-EXAMINATION

15 by MS. SOLOMON:

16 Q. Good afternoon, Ms. Holderman.

17 A. Good afternoon.

18 Q. My name is Lauren Solomon, and I represent Ms. Phillips. I
19 hope I don't make you nervous.

20 A. What?

21 Q. I hope I don't make you nervous.

22 A. No, no, I'm just exhausted.

23 Q. Okay. I have a couple of questions. At the very
24 beginning, you said or you described documents with which you
25 were familiar --

W. Holderman - cross by Solomon

1 A. Yes.

2 Q. -- is that correct?

3 A. Yes.

4 Q. And those documents are mortgage documents.

5 A. I'm familiar with a lot of documents in my 25 years at
6 working with the recorder.

7 Q. Okay.

8 A. Most of our documents are --

9 Q. You gave as an example the mortgage documents, and you
10 indicated when someone comes to the Cook County Recorder of
11 Deeds office, the document is reviewed as long as someone in
12 the office recognizes the document.

13 A. 100 percent.

14 Q. And they know what to look for.

15 A. 100 percent.

16 Q. Okay. So in looking at the documents --

17 (Discussion off the record.)

18 BY MS. SOLOMON:

19 Q. So I'm going to hand this back to you (indicating).

20 A. Okay.

21 MS. SOLOMON: May I approach?

22 THE COURT: Sure.

23 BY MS. SOLOMON:

24 Q. Government Exhibit 13.4, you previously saw that?

25 A. Uh-huh.

W. Holderman - cross by Solomon

1 Q. And it says at the top "Maritime Lien"?

2 A. Uh-huh.

3 Q. And you indicated that it's a notice of claim of a maritime
4 lien, is that correct?

5 A. Uh-huh.

6 Q. And you indicated that you were not familiar with that kind
7 of document.

8 A. I looked to the left of it, and it says "U.S. Coast Guard."
9 We don't handle boats.

10 Q. You don't handle boats.

11 A. No.

12 Q. So in the case of someone bringing this kind of a document
13 in, they wouldn't review it for any content.

14 A. Under what statute or what?

15 Q. They didn't have any means of knowing what to review it
16 for.

17 A. Right.

18 Q. In this case, the CCRD goes ahead and records it anyway.

19 A. A public records office.

20 Q. Public records.

21 A. We have two functions within the same library. We can do
22 your real estate indexes, and we can do your public. The
23 public records might be someone's poetry.

24 Q. Okay.

25 A. It might be someone's document, and we don't understand

W. Holderman - cross by Solomon

1 what it's for. That's required by law. We welcome the public.

2 We don't throw them out.

3 Q. Okay. I understand that. When I ask you a question, you
4 don't need to repeat what you've already told us on direct. I
5 just want to get some additional information, and then we'll be
6 done and you can go home. Okay?

7 A. Okay.

8 Q. So the more, I guess, the more usual function is real
9 estate?

10 A. Yes, predominant.

11 Q. Predominant. When you said that when something is recorded
12 it's recorded forever, it's never deleted or expunged.

13 A. Correct.

14 Q. But that doesn't mean that it still has force and effect,
15 isn't that right?

16 A. Sure.

17 Q. Okay. So, for example, if I buy a house and I have a
18 mortgage on it, when I sell my house my mortgage does not stay
19 in force and effect on that real estate property, right?

20 A. If a release is filed.

21 Q. So what you need, you indicated, is a release. That's the
22 legal term for the document?

23 A. Release of mortgage, discharge of mortgage.

24 Q. That's a document that is issued by?

25 A. By the lender when they get paid in full.

W. Holderman - cross by Solomon

1 Q. Okay. So at that point in time there would be a release,
2 and while the actual lien would appear if you did a title
3 search, it no longer has any force or effect, is that correct?

4 A. I don't --

5 Q. If there's been a release, a subsequent release.

6 A. I don't know how credit bureaus would look at it or how
7 future title companies would look at it, but we have the
8 understanding that when a mortgage is filed and then it's
9 followed by a release with a matching document number, the
10 release probably canceled the mortgage.

11 Q. Well, if it was for the full amount, there would be no
12 further claim.

13 A. We don't see the full amount. We don't see that they've
14 paid in full. We've had releases that are presented that we
15 find out later it was forged by the customer. We don't make
16 those judgment calls.

17 Q. Again, you don't check for that.

18 A. No. Do we contact the lender or the credit bureau or the
19 title company? No.

20 Q. So in Cook County anyone can go into the office and file
21 anything in the public record.

22 A. Remember -- yes. If you mean the public records side,
23 unfortunately, yes. But if you mean the documents side, where
24 we know the document and there are statutes that say the
25 recorder cannot record without X, Y, and Z, then that is

W. Holderman - cross by Solomon

1 correct.

2 Q. So these documents were filed in the public records side of
3 the Cook County Recorder of Deeds?

4 A. Well, they're not real estate. They're not mortgages.
5 They're not deeds. They're not assignments of mortgage. It
6 says "U.S. Coast Guard maritime." We don't handle boats.

7 Q. Therefore, it would be in the public records.

8 A. Yes, I would assume, yes.

9 Q. And when it's filed in the public records versus the real
10 estate side, what is the difference in meaning for someone who
11 goes and looks something up in the recorder of deeds office?

12 A. We don't put a meaning to that. We would not be able to
13 answer that question.

14 Q. There is no meaning to the document.

15 A. We don't answer that question.

16 Q. And so if I went into or one of the jurors went into the
17 Cook County Recorder of Deeds -- well, they're not going to do
18 that because that would be outside the courtroom. Say someone
19 went into the office and looked up something in the public
20 record. You're saying the office attaches no meaning to that.

21 A. Right. We don't advise. We don't give analysis or advise
22 and say: That's great poetry you recorded.

23 In the public record area, the public record, we
24 don't have that ability to say: Gosh, that's an interesting
25 document. We're grateful you recorded it. Someday you'll get

W. Holderman - cross by Solomon

1 a boat.

2 We don't. That's not our function.

3 Q. So your function --

4 A. Do you know what a library is? A library function is a
5 library, chiefly.

6 Q. But a library knows what it's taking in.

7 A. Not really, that's not accurate.

8 Q. It doesn't?

9 A. No, I go to the public library, and they don't say: That's
10 a great book. Get it.

11 I go in and choose the book I want.

12 Q. I'm talking about what goes into the public library.

13 A. Well, they code it, and they put it in. Let's go back to
14 the days of banned books. They'd receive their book and code
15 it in the Dewey Decimal System, and they'd put it on the shelf.

16 Q. Right. But they order the books they receive.

17 A. I'm not a librarian at a public library.

18 Q. Okay.

19 A. But I'm telling you that this is a library, and the
20 customer is allowed to walk in our door. Do we analyze the
21 customer's document and say that that's a great boat lien?
22 That's not our function.

23 Q. So then your function as a public library, to use the
24 analogy, is to accept everything that comes into it, is that
25 correct?

W. Holderman - cross by Solomon

- 1 A. On the public side, correct.
- 2 Q. On the public side.
- 3 A. Correct.
- 4 Q. But a public library in the normal sense of a public
- 5 library is a lending library. It gives people things on a
- 6 temporary basis to take out, and they know what they have and
- 7 what they're lending.
- 8 A. They're not making a judgment call on those books.
- 9 Q. They're not making a judgment call.
- 10 A. And neither are we.
- 11 Q. But they know what it is that they're lending out.
- 12 A. No, I don't agree.
- 13 Q. They track it by the Dewey Decimal System, as you said.
- 14 A. I get it, but I'm talking content.
- 15 Q. They would also be aware of the content because they know
- 16 what the book is.
- 17 A. I don't believe a librarian in a public library has read
- 18 every single book on the shelf.
- 19 Q. I'm not saying --
- 20 A. They know the title. They know the author. They know the
- 21 Dewey Decimal System assigned. They know the type of document.
- 22 I'm telling you that we don't know the content of every
- 23 document that's submitted.
- 24 Q. I'm not saying that a librarian in a public library knows
- 25 the content of every book in the library. That's not what I'm

W. Holderman - cross by Solomon

1 asking. Okay? If you'll bear with me, just listen to the
2 question. A librarian who lends out a book does not need to
3 know the contents of the book to know that that book is in its
4 collection, is that correct?

5 A. Okay.

6 Q. Okay.

7 A. I think I understand that.

8 Q. So the library knows what book it lends because it
9 anticipates that it will get it back, is that right?

10 A. Okay.

11 Q. Okay. If it didn't know what it had in its library, it
12 couldn't get it back because there'd be no way of tracking it.

13 A. We know the document numbers that have been assigned.

14 Q. I understand. I understand that. I'm just talking about a
15 public library that's a lending book library.

16 A. Okay.

17 Q. Okay. Then similar to your system, there's a bar code on
18 the book. They know when it goes out, and they know when it
19 comes back in, is that correct, for a book?

20 A. Okay.

21 Q. Okay. I take it out of the library.

22 A. We don't know when it goes out.

23 Q. The library knows when it lends a book out.

24 A. But what's the recorder of deeds question? Because I'm
25 losing you.

W. Holderman - cross by Solomon

- 1 Q. No, I'm focusing on the lending library right now.
- 2 A. Okay.
- 3 Q. Okay. So the library knows when it lends a book out. We
- 4 can agree with that, right?
- 5 A. Yeah.
- 6 Q. It also knows when it brings it back, when that person who
- 7 took it out or another person brings it back.
- 8 A. Okay.
- 9 Q. Okay. But in the recorder of deeds public side, what
- 10 you're telling me is, one, it never goes out because once it's
- 11 recorded it's there.
- 12 A. Okay.
- 13 Q. Okay? Is that true?
- 14 A. I don't think that's a correct correlation. Our images are
- 15 permanent.
- 16 Q. The images are permanent, correct.
- 17 A. In the same way a public library's book load is permanent.
- 18 Q. That's correct.
- 19 A. They may lend it out.
- 20 Q. So the difference is that since you never look at what is
- 21 the image that is recorded --
- 22 A. I never said we don't look at it.
- 23 Q. Well, you look at it --
- 24 A. I said we don't understand it.
- 25 Q. -- but you don't recognize it. Okay. If you don't

W. Holderman - cross by Solomon

1 recognize it, you don't screen it for anything because you
2 don't know what to screen it for.

3 A. Correct.

4 Q. And it goes into the record.

5 A. Correct.

6 Q. Then you don't know after that what happens to it on the
7 public records side?

8 A. Right. We don't know the effect of the particular thing,
9 correct.

10 Q. Because there's nothing by statute that permits you to get
11 rid of it?

12 A. Correct.

13 Q. Correct. So, for example, if somebody puts their poetry in
14 there, there's not a state law on poetry in the public record.

15 A. Under the recorder's statute, there's nothing that tells us
16 to -- there's no provision for erasing, expunging, deleting,
17 and removing.

18 Q. Right. So if it's in the public library side of the
19 recorder's office, it doesn't have the same force and effect as
20 if it was in the real estate side of the recorder of deeds?

21 A. Okay. Again, I'm not a title company. I'm not the credit
22 bureau. It's not for us to say force and effect, so the answer
23 is I can't answer that.

24 Q. You don't know.

25 A. Yeah, I can't possibly answer that.

W. Holderman - cross by Solomon

1 Q. Okay. That's valid. Do you get very many maritime liens
2 in the public side of the recorder of deeds?

3 A. I'm going to guess, if I can, maybe a few hundred.

4 Q. A few hundred out of how many documents does the recorder
5 of deeds office have?

6 A. Tens of millions.

7 Q. Tens of millions. Now, Mr. Stump had you identify just one
8 exhibit, which was -- I'm going to hand it back to you -- 13.3.
9 He had you correlate that to the document that's -- well, let
10 me make sure -- Government Exhibit 18.

11 MS. SOLOMON: May I approach?

12 THE COURT: Sure. You don't need to ask.

13 MS. SOLOMON: Thank you.

14 BY MS. SOLOMON:

15 Q. You indicated that they're the same number on both
16 documents.

17 A. Correct. I recognize the number that appears on both
18 documents.

19 Q. Then underneath that first entry, there's a second entry?

20 A. Which document?

21 Q. I gave you the document, Government Exhibit 18.

22 A. Okay. So under 18.

23 Q. Okay. So there's a second number under the "docket," the
24 second word "docket"?

25 A. Okay.

W. Holderman - cross by Solomon

1 Q. Then there's another number there, is that correct?

2 A. You're asking me about -- I see the word "docket" in one,
3 two, three spots. Is that what you're asking.

4 Q. Right. The first one you said correlated to the docket in
5 front of you?

6 A. I didn't say "correlated."

7 Q. It was the same.

8 A. I said they used the word "docket," and they were the same.

9 Q. They were the same.

10 A. Right.

11 Q. Okay. Then "docket" is written a second time?

12 A. Right.

13 Q. And under that second "docket" word, there is another
14 number?

15 A. Yes.

16 Q. And I'm going to hand you a --

17 (Discussion off the record.)

18 MS. SOLOMON: Could we just stipulate to that?

19 MR. STUMP: Judge, just to speed this up, I would
20 stipulate that the numbers that are in Exhibits 18 and 19 where
21 it says "docket," those numbers correlate to the docket numbers
22 of Government Exhibits 13.1 through 13.12.

23 THE COURT: Do you accept the stipulation, counsel?

24 MS. SOLOMON: I accept the stipulation.

25 THE COURT: You can consider that as evidence then,

W. Holderman - cross by Solomon

- 1 folks.
- 2 BY MS. SOLOMON:
- 3 Q. I'll take the documents back from you then.
- 4 A. (Handing exhibits to counsel.)
- 5 Q. You indicated that you're not a handwriting expert?
- 6 A. Correct.
- 7 Q. You just looked at the signature, and it was your best
- 8 guess that that was the same signature.
- 9 A. Correct.
- 10 Q. And perhaps that it matched the name at the top.
- 11 A. Correct.
- 12 Q. But you're not an expert at that.
- 13 A. No.
- 14 Q. Okay. You also said that the receipt reflects the
- 15 information that the recorder --
- 16 A. The customer.
- 17 Q. The customer, that's right, gives to you.
- 18 A. Yes.
- 19 Q. They don't need to give you any information at all, do
- 20 they?
- 21 A. No.
- 22 Q. And it's completely up to the customer whether they give it
- 23 to you or not.
- 24 A. Correct.
- 25 Q. Okay.

W. Holderman - redirect by Stump

1 A. We ask, and they decide.

2 MS. SOLOMON: Okay. Thank you. Nothing further.

3 (Discussion off the record.)

4 MR. STUMP: One very brief follow-up question.

5 REDIRECT EXAMINATION

6 BY MR. STUMP:

7 Q. I didn't have in front of you before Exhibit 14. On the
8 last point by Ms. Solomon, could you tell us for this one what
9 information is listed here on the receipt where it says "issued
10 to"?

11 A. Okay. In the spot where the cashier would have asked and
12 typed in information provided by the customer, it says "River."

13 Q. And then underneath that?

14 A. "P.O. Box 8503, Chicago, Illinois 60680."

15 MR. STUMP: All right. That's all I have.

16 MS. SOLOMON: Just one question.

17 RECROSS-EXAMINATION

18 BY MS. SOLOMON:

19 Q. If someone has given their information to the cashier and
20 it appears on the receipt, then that would indicate that that
21 person doesn't care whether your office has that information,
22 is that right?

23 A. Care?

24 Q. It's okay with them for you to have that information.

25 A. I don't understand.

W. Holderman - recross by Solomon

1 Q. Okay. So if I don't want you to have that information, I
2 don't give it to you. But if I do, I'm okay with it, right?

3 MR. STUMP: I object.

4 BY THE WITNESS:

5 A. I don't know what you're okay with.

6 MR. STUMP: It's outside the witness' personal
7 knowledge what someone else may be thinking.

8 THE COURT: That's overruled, but I think you need to
9 clarify the question.

10 MS. SOLOMON: Okay.

11 BY MS. SOLOMON:

12 Q. You said if you pay your money, you don't need to identify
13 who you are.

14 A. Correct, especially with cash receipts.

15 Q. Right.

16 A. They're anonymous.

17 Q. They would be totally anonymous, right? But in this
18 instance the person identified as River Tali gave you that
19 information, gave the cashier that information.

20 A. There's only one word on there.

21 Q. "River." I'm sorry. "River."

22 A. What about River?

23 Q. She identified herself.

24 A. How do you know it was a she?

25 Q. The individual who paid this money.

W. Holderman - recross by Solomon

1 A. We don't know that they're identified. Customers can come
2 in --

3 Q. Do you need to look at this again?

4 A. -- and give John Hancock.

5 Q. Do you need to look at this again and see what's written on
6 it?

7 A. The word "River."

8 Q. "River," okay. So an individual who identified himself or
9 herself as River gave that information.

10 A. No.

11 Q. No?

12 A. No.

13 Q. Then how did it get there?

14 A. Can I have your information?

15 Then they just start saying what they want to say.

16 Q. Right.

17 A. We don't know. We're not asking for driver's licenses.

18 Q. No, no, no. I'm sorry.

19 A. It might say "River." It might say "Mountain." It might
20 say "Stream." The point is, we're are not looking for an ID.
21 We're not fingerprinting.

22 Q. I'm sorry. I must not have been clear because you
23 misunderstood my question. Okay. I didn't ask if you checked
24 to make sure that that information is accurate. What I asked
25 was this. An individual who's before a cashier volunteers the

W. Holderman - recross by Solomon

1 information --

2 A. Yes.

3 Q. -- that is on the receipt.

4 A. 100 percent, 100 percent.

5 MS. SOLOMON: Okay. Thank you. Nothing further.

6 MR. STUMP: That's all I have, Your Honor.

7 THE COURT: Who does?

8 THE WITNESS: Oh, the Bureau of Natural Resources and
9 the U.S. Coast Guard.

10 THE COURT: Thank you.

11 THE WITNESS: Apparently he's got a boat.

12 THE COURT: I used to have a boat, and then I had
13 kids. You know, a boat is a hole in the water into which you
14 pour money.

15 Any further questions? Any further need for the
16 witness in the future?

17 MR. STUMP: No, and we'd ask that she be released
18 from her subpoena.

19 THE COURT: Okay. Any objection to that,
20 Ms. Solomon?

21 MS. SOLOMON: No objection.

22 THE COURT: Okay. You're released from further
23 testimony. Thank you.

24 THE WITNESS: Thank you.

25 (Witness excused.)

Bruton - direct by Stump

1 THE COURT: Folks, let's take about a 20-minute
2 break. Please come back here.

3 (Jury out. Recess.)

4 THE COURT: Okay. We're bringing them in.

5 (Jury in.)

6 THE COURT: Okay. Please be seated.

7 Mr. Stump, your next witness?

8 MR. STUMP: Thank you, Your Honor. The United States
9 calls Tom Bruton.

10 THE CLERK: Raise your right hand.

11 (Witness duly sworn.)

12 THOMAS BRUTON,

13 GOVERNMENT'S WITNESS, DULY SWORN

14 DIRECT EXAMINATION

15 BY MR. STUMP:

16 Q. Sir, could you start by just telling us your full name,
17 please, and spell your last name for the record?

18 A. Sure. My name is Thomas Bruton. The last name is spelled
19 B-r-u-t-o-n.

20 Q. Mr. Bruton, where do you work?

21 A. I'm the Clerk of the Court for the Northern District of
22 Illinois.

23 Q. Is your office located in this building right here?

24 A. It is.

25 Q. On what floor?

Bruton - direct by Stump

- 1 A. 20th floor.
- 2 Q. Just one below us.
- 3 A. Correct.
- 4 Q. How long have you been the clerk of court?
- 5 A. I began January 1st, 2012.
- 6 Q. How did you get the job to be clerk of court?
- 7 A. Well, it's a statutory position. We are the administrators
- 8 of the court, and the rules are that the district judges and
- 9 senior judges, you apply for the position. It's an application
- 10 process that you go through, and you are selected amongst the
- 11 other applicants.
- 12 Q. When you're the clerk of court, who are you employed by?
- 13 A. I'm employed by the federal judiciary.
- 14 Q. As a clerk of court, are you a federal officer then?
- 15 A. Yes.
- 16 Q. How many employees do you manage or supervise?
- 17 A. I'm allotted about 165 positions for clerk's office staff.
- 18 We also oversee a number of the chambers staff with HR issues,
- 19 court reporters. So all tolled in the courthouse in the
- 20 district court, I'd say we have about 325 employees.
- 21 Q. Now, as part of your job as a clerk of court, do you
- 22 oversee -- is there a process by which documents are filed in
- 23 the court record?
- 24 A. That is correct. I am the person that is in charge of
- 25 overseeing all the court records.

Bruton - direct by Stump

1 Q. Can you tell us, for the jury just briefly, how does that
2 process work? How does a document get filed, say, in a
3 criminal case like this one?

4 A. Sure. In a criminal case, the start of it would be a
5 United States Attorney, an assistant United States Attorney
6 coming into my office where the intake staff, a deputy clerk
7 that works for me, would accept that document. It would come
8 in, and we'd review it for its accuracy. If it's accurate,
9 they'll accept it. They'll stamp it. They will enter it into
10 our computer-managed system. It will become a permanent
11 record. That permanent record then is stored on a system
12 called CM/ECF, computer-managed electronic court filing, and
13 that system is something that is not only accessed by court
14 personnel, but that system is also accessed by the parties in
15 the case.

16 Q. The documents that are filed in a criminal case, can they
17 be accessed by the public as well, or do you have to be a party
18 or an attorney of record to see them?

19 A. You can access them as a member of the public. You can
20 access them in one of two different ways that I'm am aware of.
21 The first would be at our public terminals. In the clerk's
22 office, there's a series of approximately six public terminals
23 that anyone can sit at and review the documents. Also, there's
24 a system that you can go on and review online and see the
25 documents.

Bruton - direct by Stump

1 Q. Do you have to pay a fee to be able to see the documents?

2 A. Not at our public terminals. At our public terminals, it
3 is free access.

4 Q. And if you used one of the public terminals to access a
5 document in the criminal case, would there be any mechanism in
6 that computer for tracking who had done that?

7 A. None whatsoever.

8 Q. I want to show you now what we've marked for identification
9 as Government's Exhibit 21. I'm also bringing up here, just
10 for the record, a binder of my proposed exhibits.

11 MR. STUMP: So what I'd like to do with Your Honor's
12 permission is to leave this at the witness stand for future
13 testimony.

14 THE COURT: Okay.

15 BY MR. STUMP:

16 Q. If you could, sir, just take a look at Exhibit 21.

17 A. Okay.

18 A. It's a multipage document. It's got a cover, and it's
19 bound. Do you recognize what I handed to you?

20 A. I do.

21 Q. What is it?

22 A. It's an exemplification certificate in 06 CR 778. This is
23 a document that I am familiar with which we routinely handle in
24 our court, an exemplification certificate in the case that I
25 just recited.

Bruton - direct by Stump

1 Q. And can you just tell us briefly what is an exemplification
2 certificate?

3 A. Sure. An exemplification certificate is an official
4 document that I first sign that I'm attesting to as the keeper
5 of the record, as the clerk of the court, that I've reviewed
6 the document, it is accurate, it's official, and then I provide
7 it to the chief judge or to the person that's acting chief
8 judge. They review my signature, and they're swearing that I
9 am the keeper of the records, that it is accurate, and it is
10 official.

11 The third line of the document is my signature to say
12 the chief judge or the acting chief judge also reviewed that
13 document and that it is now official. There's three signatures
14 on an exemplification certificate.

15 Q. And you've explained those three signatures. What is the
16 overarching purpose of having them?

17 A. It documents the exemplification certificate. It is a
18 document that the court produced. It is the official record of
19 the court that the court provided.

20 Q. And in this particular instance with Exhibit 21, what is
21 the record here that the court is certifying is generated by
22 the court?

23 A. Sure. This exemplification is the docket for 06 CR 778.

24 Q. What sort of information is reflected on a docket?

25 A. Sure. A docket is the record of a case. It is everything

Bruton - direct by Stump

1 from the start of the filing to the end. Everything is in
2 chronological order. It lists who filed it, the date it was
3 filed, the parties that filed it, and the staff member, my
4 staff member's initials that reviewed it.

5 Q. And who is the defendant associated with this case number
6 in Exhibit 21?

7 A. Devon Phillips.

8 MR. STUMP: All right. At this time, Your Honor, I'd
9 move for admission of Government Exhibit 21.

10 MS. SOLOMON: No objection.

11 THE COURT: Government's 21 is admitted, no
12 objection.

13 (Government Exhibit 21 received in evidence.)

14 BY MR. STUMP:

15 Q. What I'm going to do, Mr. Bruton, I'm going to take this
16 original, and with the Court's permission I'm going to publish
17 this to the jury at this time by passing it around. What I'm
18 going to ask you to do is refer to what's been marked in here
19 as Government Exhibit 21 so that we can follow along.

20 A. Okay.

21 Q. Can you tell us on what page the signatures appear that you
22 were describing?

23 A. Sure. The triplicate signature on the exemplification
24 certificate is just after the blue cover sheet. It is the very
25 first page of the bound material there.

Bruton - direct by Stump

1 Q. All right. Is that your signature there in two different
2 places on that page?

3 A. That is correct.

4 Q. All right. I want to turn now to the next page of the
5 exhibit and ask you if you could explain it to us. What is
6 this page here? What are we looking at?

7 A. This is what I would refer to as the header of the docket.
8 This is -- you will see up at the top, you will see that it
9 says "United States District Court for the Northern District of
10 Illinois." That is this court. That is the court that I'm the
11 clerk of court. You'll also see just below that on the third
12 line the case, 06 CR 778. Below that is the caption of the
13 case, U.S. versus Phillips. Just below that, you will see
14 Judge Joan Lefkow, who was the district judge assigned to this
15 matter. Then the second judge listed there is Judge Arlander
16 Keys, who is the magistrate judge that was listed as the
17 referral judge on this matter.

18 Q. Now, can you tell us the difference between these two
19 judges that you've described, a district judge and a magistrate
20 judge?

21 A. Sure. A United States District Court judge is a judge
22 that's appointed by the President of the United States on the
23 advice and consent of the United States Senate. They serve for
24 life. A magistrate judge is a judge that is hired by the
25 district court judges. They serve a term. They serve

Bruton - direct by Stump

1 approximately seven years, and they can be reappointed. They
2 serve at the pleasure of the court.

3 Q. And what is the difference between sort of the roles that
4 they play in a criminal trial?

5 A. Sure. A magistrate judge would be the person that would in
6 our court handle things such as the search warrant, an
7 application for a search warrant. They would see if there's
8 probable cause for that application. They would also see if
9 there was an arrest in the matter. They would be the first
10 judge that that criminal defendant would appear before for a
11 detention hearing or a bond hearing. They are the first level
12 judge that someone in this court would get to see on a new
13 criminal case.

14 Q. And who was -- can you tell in looking at Exhibit 21 who
15 was the magistrate judge assigned to this case here?

16 A. What I see here is Judge Arlander Keys is listed as the
17 magistrate judge.

18 Q. All right. Now, who did you say was assigned as the
19 district judge?

20 A. Judge Joan Lefkow.

21 Q. And can you tell us, very generally speaking, what roles a
22 district judge would have then in a case like this, a criminal
23 case?

24 A. After the first appearance or bond hearing, the district
25 judge handles all matters after that. They would handle

Bruton - direct by Stump

1 everything from pretrial motions to trial, sentencing, all the
2 way through to the disposition at the end of the case.

3 Q. All right. I want you to take a look at the page in the
4 exhibit where the docket entries begin.

5 A. Okay.

6 Q. I don't have a good page number for it, but if you could
7 just find the page that looks like this one (indicating).

8 A. Sure.

9 Q. It's a table. Could you just tell us if -- well, first of
10 all, above the table I see there's some names listed and some
11 addresses. Can you just tell us what those are?

12 A. Sure. On that, before you get to the table, you will see
13 names of assistant United States Attorneys that are assigned to
14 the case. That is information entered by my staff. You'll see
15 pretrial service officers may be listed there. Probation
16 officers may be listed there. You'll see, if we had the
17 information, you'll see the names of the attorney or attorneys
18 that may be representing the defendant in the case.

19 Q. All right. Is everyone that's on that list associated with
20 the case in some way?

21 A. That is correct.

22 Q. Now, the table that's underneath those names, can you just
23 walk us through a little bit how to read it, the different
24 columns and what they signify?

25 A. Sure. Chronologically from left to right I will go. The

Bruton - direct by Stump

1 first column over at the far left is the date filed, and that's
2 pretty self-explanatory. That's the date that that document
3 was filed in our court, that my staff accepted it. The second
4 from the left to the right is the number assigned, and that is
5 what we call the docket number. That's how we refer to the
6 documents. In any docket, we go in chronological order from
7 the start to the finish, number 1 until the end of the case.

8 Q. Is the court the one that assigns that docket number, your
9 office?

10 A. That is correct, the clerk's office.

11 Q. All right. What's the next column?

12 A. The next column is the docket text. You will see in bold
13 or in capital letters the main entry. For example, on document
14 number 1, the docket text is "complaint." The complaint was
15 the initiating document here. There's usually a few sentences
16 that follow in that docket describing that entry. So someone
17 reviewing the document can easily see what that document number
18 is referring to. For example, document number 1 is a complaint
19 signed by Magistrate Arlander Keys.

20 Q. And what is the date of that docket entry?

21 A. Sure. The document was filed on 10/20/2006 and entered by
22 my staff on the docket on 10/25/2006.

23 Q. All right. If you could, I want you to flip to docket
24 entry number 136.

25 A. I'm there.

Bruton - direct by Stump

1 Q. Okay. Could you read aloud the text that's there in that
2 box for docket number 136?

3 A. Sure. It's an administrative notice and demand from
4 Cherron Phillips dated 2/1/2010, the initials "LAS," and the
5 date entered by my staff of 2/8/2010.

6 Q. Now, do you happen to know or can you tell by looking at
7 this docket entry how that document came to be filed? I'll
8 direct you to the entry right below it, number 137.

9 A. Okay. May I read 137?

10 Q. Yes, please. Would you read it out loud?

11 A. "Minute entry. Docket 137. Minute entry before the
12 Honorable James F. Holderman as to Devon Phillips. I have
13 received defendant's pleading entitled Administrative Notice
14 and Demand, and am placing it on the electronic document of the
15 criminal case 06 CR 778. The administrative notice and demand
16 is referred to Judge Joan H. Lefkow, who is presiding -- who is
17 the presiding judge in the case. Mailed notice" -- and the
18 initials of my staff person entered 2/8/2010.

19 Q. All right. This "minute entry" is what it's called, is
20 that right?

21 A. That's correct. A minute entry in our court is a docket
22 text that a judge would enter or direct my staff to enter with
23 an order, with a judicial order.

24 MR. STUMP: All right. Thank you, Mr. Bruton.

25 That's all the questions I have for you.

Bruton - cross by Solomon

1 THE COURT: Ms. Solomon?

2 MS. SOLOMON: Thank you.

3 CROSS-EXAMINATION

4 BY MS. SOLOMON:

5 Q. Good afternoon, Mr. Bruton.

6 A. Good afternoon.

7 Q. My name is Lauren Solomon, and I represent Ms. Cherron

8 Phillips in this matter. I just wanted to go back to the

9 beginning of your testimony today. You said that the way

10 something got filed in the district court was if a U.S.

11 Attorney went up to the court -- the clerk's office, and then

12 it would be filed. You didn't mean that you were excluding

13 defense lawyers' documents, did you?

14 A. No, I did not. That was the -- my explanation was how a

15 case would first be opened in my court, a criminal case.

16 Q. Okay. Thank you for that clarification. Okay. After

17 that, documents that are filed by either side, whether

18 plaintiff or defendant, are then filed and reflected in the

19 docket, is that right?

20 A. That's correct.

21 Q. And other parties can also file documents in the case, is

22 that correct?

23 A. Can you clarify that question, please?

24 Q. Pretrial Services might file something, or there might be

25 -- it's not open to the public. It is a public docket. It's

Bruton - cross by Solomon

1 accessible by the public, but it's not against the law for
2 something else to be filed in the docket.

3 A. You must be associated with the case in order to file in
4 the case.

5 Q. Okay. And "associated" means the defendant --

6 A. Correct.

7 Q. -- or an attorney who is involved in it?

8 A. It would be -- in our court, it is the attorney that is
9 representing the plaintiff or the defendant, if it was a civil
10 matter or a criminal matter, or if the person is appearing
11 without an attorney, they can also file documents.

12 Q. And that would be if a defendant is representing himself or
13 herself pro se?

14 A. That is correct. Excuse me.

15 Q. In this case, Judge Holderman, who was not the judge in the
16 case, also filed something on the docket?

17 A. He was the judge on document number 137, the judicial
18 officer that entered the order, the minute order on February
19 5th, 2010.

20 Q. But he wasn't the presiding judge in that case.

21 A. On that case? It does not appear to be. From my read on
22 the docket, the judge was Judge Joan H. Lefkow.

23 Q. That's what the entry says, doesn't it?

24 A. I'm sorry?

25 Q. That's what that entry 137 says, that he's referring it to

Bruton - cross by Solomon

1 Judge Lefkow, who is the presiding judge?

2 A. That's correct.

3 Q. Okay. Now, you became the clerk of the court in 2012, you
4 said?

5 A. January 1st, 2012, I believe it was.

6 Q. So a lot of what's in this docket was entered in the docket
7 prior to your term?

8 A. That is correct.

9 Q. Okay. You were not named in -- no liens were filed against
10 you?

11 A. To the best of my knowledge.

12 Q. That you're aware of?

13 A. To the best of my knowledge, not at this time.

14 Q. And you've come to testify about the process that occurs in
15 the clerk's office?

16 A. That is correct.

17 Q. And to explain the docket.

18 A. That is correct.

19 Q. Okay. Thank you.

20 A. Thank you.

21 Q. Oh, one more thing. So when you came into the clerk's
22 position, the computer filing system already was set up and
23 running.

24 A. That is correct. In the Northern District of Illinois, we
25 began live with CM/ECF January of 2005.

Bruton - cross by Solomon

1 Q. Okay. When you look at the docket, unless you actually
2 access them, you wouldn't know the contents of the docket.

3 A. All you would see is the caption that follows in that third
4 column. You would see probably what I would describe as a
5 brief description of what that document is. You would not see
6 the full document until you click on the document number which
7 is hyperlinked.

8 Q. So that's that second column, the number there? If you
9 clicked on that, then the document would appear.

10 A. That's correct.

11 Q. And anybody would have access to that from the public
12 terminal?

13 A. That is correct.

14 Q. Or by paying from the electronic --

15 A. Correct.

16 Q. -- electronically anywhere you are?

17 A. That's correct.

18 Q. Can anybody access the electronic system?

19 A. Yes.

20 Q. All right. You don't need to be connected to a case in
21 order to access it and look at the documents?

22 A. No, you do not. You do not have to be a party in the case
23 to review the documents.

24 MS. SOLOMON: Okay. Thank you.

25 MR. STUMP: A brief redirect, Your Honor?

Bruton - redirect by Stump

1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 BY MR. STUMP:

4 Q. Mr. Bruton, you don't have to be a party to access the
5 documents, but you said you do have to be, however, a party or
6 associated with the case in order to be able to file a document
7 in a case, is that right?

8 A. That is correct.

9 Q. Is it still possible that a person could file a document
10 that ends up making it onto a docket like this even though
11 they're not associated with the case? Does that happen
12 sometimes?

13 A. It does happen periodically.

14 Q. How can that happen?

15 A. When my staff receives a docket -- a document, I should
16 say, they're reviewing the document and they would see a case
17 number. They would look at it and review it, and if it appears
18 to be a filing in that case, they are going to enter it on the
19 docket and wait for a judge to direct us for official action.
20 My staff would never just throw away a document.

21 MR. STUMP: Okay. Thank you, Your Honor.

22 RECROSS-EXAMINATION

23 BY MS. SOLOMON:

24 Q. Just a couple questions. It's not illegal to file a
25 document if you're not a party to a case, is it?

Bruton - recross by Solomon

1 A. I'm not familiar with the criminal statutes. I'm familiar
2 with our local rules. So I wouldn't be able to speak to the
3 criminal statutes.

4 Q. Is it prohibited by local rule?

5 A. My understanding is that you must be a party in the case to
6 file in the case. That is the local rule.

7 Q. However, as you indicated, documents can be filed, and it's
8 up to the presiding judge to decide?

9 A. A judge.

10 Q. Any judge?

11 A. No, the judge presiding in the matter would be a common
12 occurrence. For example, another common occurrence that I've
13 experienced is a member of the executive committee of judges
14 who would review the matter as well. They can be providing us
15 direction.

16 Q. But if there's no action by the presiding judge or the
17 executive committee, then the filing would remain on the
18 docket.

19 A. Correct, until there was a direction for us to either leave
20 it or remove it.

21 Q. So would there be some trigger that would automatically
22 notify your office that this is not a party's filing?

23 A. It would not be notifying me. The judge assigned to the
24 case would be the person that would be reviewing the docket. I
25 wouldn't personally review the docket.

Bruton - recross by Solomon

1 Q. So if the judge did not bring it to the clerk's office's
2 attention, then it would stay on the docket.

3 A. It could.

4 Q. And that would be fine.

5 A. Again, I'm not a judge, so I'm not going to speak to how a
6 judge would --

7 Q. Well, in the same way that speeding is also against the
8 law, right, but unless you're caught you're not charged?
9 That's within your knowledge, right?

10 A. Speeding? Sure.

11 Q. Sure. I'm not impugning that you do that, but we're all
12 aware that speeding is against the law.

13 A. Sure.

14 Q. And occasionally I've heard some people do it.

15 A. Correct.

16 Q. But if we don't get -- if someone doesn't get caught, then
17 the speeding is permitted.

18 A. I think there's still a law on the books that says you're
19 not supposed to speed.

20 Q. That's correct. But my point is that once it's filed,
21 unless someone determines that it doesn't belong there and it
22 needs to be removed, it stays on the docket.

23 A. I cannot remove a document from the docket without an order
24 from a judge.

25 MS. SOLOMON: Okay. Thank you.

Shakeshaft - direct by Stump

1 MR. STUMP: Thank you, Your Honor. That's all I
2 have.

3 THE COURT: May I release Mr. Bruton from further
4 testimony?

5 MS. SOLOMON: Yes, Your Honor.

6 MR. STUMP: Yes, Your Honor.

7 THE COURT: Thank you, sir. You may step down. We
8 won't need you again.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 MR. STUMP: At this time, Your Honor, the United
12 States calls Thomas Shakeshaft.

13 (Brief pause.)

14 THE CLERK: Raise your right hand.

15 (Witness duly sworn.)

16 THOMAS SHAKESHAFT,

17 GOVERNMENT'S WITNESS, DULY SWORN

18 DIRECT EXAMINATION

19 BY MR. STUMP:

20 Q. Good afternoon, sir.

21 A. Good afternoon.

22 Q. Could you start by just telling us your name and spelling
23 your last name, please?

24 A. Yes. My name is Thomas Shakeshaft. It's
25 S-h-a-k-e-s-h-a-f-t.

Shakeshaft - direct by Stump

- 1 Q. Mr. Shakeshaft, what do you do for a living?
- 2 A. I am a federal prosecutor.
- 3 Q. Do you have a specific title as a federal prosecutor?
- 4 A. I do. I'm an assistant United States Attorney here in this
- 5 building in the Northern District of Illinois.
- 6 Q. And how long have you been an assistant United States
- 7 Attorney in the Northern District of Illinois?
- 8 A. A little over ten years.
- 9 Q. Can you tell us -- I'm going to abbreviate it as "AUSA."
- 10 Is that okay?
- 11 A. That's fine.
- 12 Q. Can you tell us what an AUSA does?
- 13 A. We are -- there are about 140 criminal prosecutors and
- 14 about 15 or 20 civil litigators in the U.S. Attorney's office.
- 15 We prosecute federal crimes in this district, and this district
- 16 is about the top third of the state of Illinois. So we work
- 17 with the FBI, the DEA, and ICE to prosecute violations of
- 18 criminal -- of U.S. criminal law.
- 19 Q. As an AUSA, are you an employee of the United States?
- 20 A. I am.
- 21 Q. I want to show you now what I've marked for identification
- 22 and what has been admitted as Government Exhibit 13.1. It's a
- 23 one-page document. Do you recognize it?
- 24 A. I do.
- 25 Q. And what did I hand you?

Shakeshaft - direct by Stump

1 A. It is what purports to be a lien that I understand was
2 filed against myself and a number of others, both judges and my
3 boss, Pat Fitzgerald, or my old boss, Pat Fitzgerald, other
4 members of the court system.

5 Q. Okay. Under what circumstances did you first see this
6 particular document?

7 A. It was brought to our attention. I was first informed of
8 it by a member of my office, but I understand it was brought to
9 the attention of the FBI after it had been filed.

10 Q. So who was it that brought it to your attention?

11 A. My recollection, it was a colleague in my office whose name
12 is Nancy DePodesta. She's another prosecutor who at that time
13 was looking into the filing of these liens on myself and other
14 people.

15 Q. Before it was brought to your attention, did you have any
16 idea that there had been this lien filed against your property?

17 A. No.

18 Q. If I can, what I'm going to do is I'm going to publish this
19 to the jury and ask you to look in that binder and follow along
20 at Exhibit 13.1.

21 A. Okay.

22 Q. Can you tell us, do you see your name there at the top of
23 the exhibit?

24 A. I do.

25 Q. And what's the name of the box that it appears in?

Shakeshaft - direct by Stump

1 A. "Name of vessel." Then it also appears in box number 4,
2 which is "Name and Address of Owner of Vessel."

3 Q. While we're on that subject, the address that's under there
4 in box 4 under your name, is that an address that you recognize
5 in San Juan, Puerto Rico?

6 A. No.

7 Q. Looking now at box number 2, it's at the top and to the
8 right of your name.

9 A. Yes.

10 Q. It says "Unique Identifier," and there's a case number
11 listed. Do you see that?

12 A. I do.

13 Q. Can you read aloud what the case number is?

14 A. It's case number 06 CR 778.

15 Q. Do you recognize that case number, Mr. Shakeshaft?

16 A. I do. It appears it's the number that was given to a case
17 that I was prosecuting in 2006. The number, it's a 2006 case.
18 It's a criminal case, hence the "CR," and "778" was the number
19 assigned to it, and the defendant's name was Devon Phillips.

20 Q. And do you see the name "Devon Phillips" anywhere on
21 Exhibit 13.1?

22 A. I do. It's in box number 5, the name and address of the
23 claimant. Devon Phillips' name appears then together with, you
24 know, a copyright and registered trademark sign as bailee for
25 Devon Dramaine Phillips El. But, yeah, Devon Phillips' name is

Shakeshaft - direct by Stump

1 the first one there.

2 Q. Can you tell us how you first became involved in this
3 prosecution of Devon Phillips?

4 A. Sure. The Devon Phillips case came to me on what in the
5 U.S. Attorney's office is called a duty day case. It's a case
6 that just sort of comes in the door. We are all on duty for a
7 24-hour period. So in this instance I happened to be on duty
8 in 2006, and DEA agents called me to say that Devon Phillips
9 had just been arrested with three kilos of cocaine in his car.
10 So I became the prosecutor of Devon Phillips in what ultimately
11 ended up being three separate transactions, a crack and cocaine
12 prosecution.

13 Q. So can you tell us, just generally speaking, were you the
14 prosecutor that handled the case from its inception all the way
15 through its conclusion?

16 A. Certainly from the time that it was presented to our case
17 -- to our office. It was a DEA case. But, yes, in terms of
18 having a prosecutor assigned, I was the prosecutor from
19 beginning to end.

20 Q. Were there any other prosecutors from your office involved
21 in the case?

22 A. There was another one. Her name is Marny Zimmer. It's
23 misspelled, but she is also listed in box 3. She was what we
24 would call my second chair or my trial partner. If Devon
25 Phillips' case had actually gone to trial, she would have tried

Shakeshaft - direct by Stump

1 it with me.

2 Q. Now, do you remember what year the case was initiated in
3 the courthouse?

4 A. 2006.

5 Q. And did the case go to trial?

6 A. It did not.

7 Q. What happened? How was it resolved?

8 A. Well, after a long time, ultimately Devon Phillips
9 ultimately pled guilty.

10 Q. Was there a sentencing hearing held in that case?

11 A. There was.

12 Q. And do you recall what the result of the sentencing was?

13 A. He was ultimately -- Devon Phillips was ultimately
14 sentenced to 78 months in prison with some usual terms and a
15 period of supervised release that followed.

16 Q. I'm going to show you what's already been admitted as
17 Government Exhibit 21. Can you flip through that docket and
18 find the entry that shows the actual date of the sentencing? I
19 believe if you --

20 A. Yes, it was on or about February 9th, 2011.

21 Q. On February 9th of 2011, Devon Phillips was sentenced.

22 A. Correct.

23 Q. Can tell us who was the district judge assigned to the
24 case?

25 A. Judge Joan Lefkow.

Shakeshaft - direct by Stump

1 Q. And who was the magistrate judge assigned to the case?

2 A. Actually assigned? I'm not -- I don't -- let's see.

3 Q. Now you're referring to the exhibit, right?

4 A. I am. Arlander Keys.

5 Q. I want you to take a look at -- well, before I get there,
6 do you recognize, just looking at your lien, 13.1, that there's
7 some other names that are listed there? Would you mind walking
8 through with us any of those names if you know who you are?

9 A. Sure. The first is James F. Holderman with a doing
10 business as chief judge. Chief Judge Holderman at the time was
11 the chief judge of the district court here in the Northern
12 District of Illinois, which means he was the chief judge. Just
13 as the name would connote, he's the head district court judge.
14 They serve for a period of six years.

15 Joan Humphrey Lefkow was the judge who presided over
16 the Devon Phillips case and before whom I appeared for every
17 proceeding related to his criminal case.

18 Arlander Keys was the magistrate judge who, my
19 recollection is, did the initial appearance, a first appearance
20 when somebody is charged with a crime, and perhaps a couple of
21 other sort of rudimentary proceedings that take place before a
22 case really gets going.

23 Geraldine Soat Brown is also a magistrate judge in
24 this building who presided over, I believe, the arraignment
25 when we returned what's called a superseding indictment in the

Shakeshaft - direct by Stump

1 case. So she is also a magistrate judge.

2 Patrick Fitzgerald at the time was the U.S. Attorney
3 here. He was the U.S. Attorney between 2001 and 2011. So he
4 was my ultimate boss in this district, and he is a presidential
5 appointee.

6 Michael Dobbins was the clerk of the court at the
7 time.

8 Marny Zimmer was also an assistant U.S. Attorney who
9 was, as I said, my second chair or my trial partner.

10 Q. I want to ask you about a couple names that aren't on the
11 lien and just tell me if you know these people. One is Andre
12 Thompson. Do you know that name?

13 A. I do.

14 Q. Who's Andre Thompson?

15 A. Andre Thompson is a Chicago police officer. When DEA
16 arrested Devon Phillips, he was what's called a task force
17 officer with DEA, which means that he had been temporarily
18 assigned to DEA at the time.

19 Q. So was he involved in the investigation of Devon Phillips?

20 A. He was. In fact, if recollection serves, he started the
21 investigation of Devon.

22 Q. What about a gentleman named Eric Cato? Do you know that
23 name?

24 A. I do.

25 Q. Who's Eric Cato?

Shakeshaft - direct by Stump

1 A. Eric Cato is a sergeant with the Chicago Police Department.
2 Likewise, I believe at the time he was deputized as a TFO with
3 DEA. Eric Cato came into the case and played the same role in
4 a sense that Andre Thompson did. He was the undercover officer
5 who was actually the guy who at the time Andre Phillips was
6 arrested played the role of a cocaine purchaser who was
7 attempting to obtain the three kilos of cocaine that were in
8 Devon Phillips' car at the time.

9 Q. Let me ask you about Justin Williams. Do you know that
10 name?

11 A. I do.

12 Q. Who's Justin Williams?

13 A. Justin Williams is a special agent with the Drug
14 Enforcement Administration, DEA, who I asked to help us out on
15 one particular occurrence in this case where he sat in on an
16 interview of Devon Phillips at my request.

17 Q. Now, the information that you just described, these
18 different officers and the roles that they played in the case,
19 is that information that would have been made available through
20 your prosecution to Devon Phillips?

21 A. In the ordinary course, yes.

22 Q. Can you explain that?

23 A. Sure. As part of what we call discovery in a criminal
24 case, any criminal defendant is entitled to see reports and the
25 evidence against them. In the ordinary course, we turn over

Shakeshaft - direct by Stump

1 most of that.

2 So taking those people one by one, Andre Thompson
3 both would have probably authored and have been mentioned in
4 reports that we would have turned over. Eric Cato also likely
5 would have been mentioned and have perhaps authored reports
6 that we would have turned over as part of discovery. Justin
7 Williams sat in on what we call the safety valve proffer at the
8 time, an interview of the defendant, and his name also would
9 have been disclosed in the ordinary course in parts of reports
10 that we as prosecutors turn over to defendants when they have
11 been charged with a crime.

12 Q. Now, in the ordinary course after you've turned over those
13 reports to a criminal defendant, do you have any control over
14 where they go after that?

15 A. It depends on the case. More often than not, we ask
16 defendants and their lawyers to enter into what we call a
17 protective order. In that case, you know, it was not a case
18 where we were all that concerned about it. So, no, we don't
19 have any physical control over it. Once we've turned it over,
20 most lawyers are bound not to show it to the world. But in
21 this particular case, no, we don't have any control over where
22 it goes.

23 Q. Now I want to direct your attention back to Exhibit 21 and
24 have you take a look at docket entry 136.

25 A. Okay.

Shakeshaft - direct by Stump

1 Q. Can you just read the first couple of lines there of the
2 docket entry?

3 A. Okay. It's from February 5th of 2010, and it says
4 "administrative notice and demand from Cherron Phillips dated
5 February 1, 2010."

6 Q. Do you know that name, "Cherron Phillips"?

7 A. I do.

8 Q. How do you know that name?

9 A. I understand her to be Devon Phillips' sister.

10 Q. And have you ever had any interactions with her or seen her
11 in person?

12 A. I have.

13 Q. In what context?

14 A. She attended several, if not most, of her brother's court
15 appearances. She also was a signatory to a bond that allowed
16 him to be released on bond pending trial. So she had some
17 interaction with our office in terms of signing paperwork that
18 secured property for his release. I had nominal interactions
19 with her on the way in and out of court, but not much.

20 Q. Do you recognize her here in court today?

21 A. I do.

22 Q. Can you point her out?

23 A. She is wearing the blue and sitting at defense counsel
24 table with the head scarf on.

25 MR. STUMP: All right. I'm going to ask that the

Shakeshaft - direct by Stump

1 record reflect that the witness has identified the defendant.

2 THE COURT: So noted.

3 BY MR. STUMP:

4 Q. Mr. Shakeshaft, from your being able to observe

5 Ms. Phillips in court, were you able to determine anything

6 about how she felt about the prosecution against her brother?

7 A. Not so much from what she said, but from some of the things
8 that she filed.

9 MS. SOLOMON: Objection, Your Honor, for the reasons
10 stated in the motion in limine.

11 THE COURT: Let's go to sidebar.

12 (Discussion at sidebar on the record.)

13 THE COURT: Ms. Solomon?

14 MS. SOLOMON: I anticipate that he's going to go into
15 the conduct of Ms. Phillips in the courtroom, so I wanted to
16 have the record note our objection.

17 THE COURT: You are preserving the record,
18 understood.

19 MS. SOLOMON: I'm preserving the record on this whole
20 line of questioning.

21 MR. STUMP: I'll also note that he'll probably get
22 into some of the documents that she filed.

23 THE COURT: So a continuing objection.

24 MS. SOLOMON: It's a continuing objection.

25 THE COURT: And you'll stipulate to that?

Shakeshaft - direct by Stump

1 MR. STUMP: Correct.

2 MS. SOLOMON: Correct.

3 THE DEFENDANT: For the record, I have a housekeeping
4 matter. I've given the Court notice, and I'm asking the Court
5 to reconsider its position on the trial and am demanding bond.

6 THE COURT: Denied.

7 THE DEFENDANT: Who will be liable to me in the event
8 that I'm injured in this matter?

9 THE COURT: You've made your record.

10 MS. SOLOMON: Just one other matter, Judge.

11 Ms. Phillips has informed me that she needs to get child care
12 for her children, and so she cannot go past 5:00 o'clock.

13 Is that correct?

14 THE DEFENDANT: I cannot.

15 MS. SOLOMON: She needs to get out by 5:00.

16 THE COURT: Well, this is off the record.

17 (Discussion at sidebar on the record concluded.)

18 THE COURT: Okay, folks. We're done telling secrets.
19 Counsel?

20 MR. STUMP: Thanks, Your Honor.

21 BY MR. STUMP:

22 Q. Mr. Shakeshaft, when I left off, my question to you was:
23 Was there anything about her demeanor that gave you any
24 impression of how she felt about the prosecution?

25 A. There was.

Shakeshaft - direct by Stump

1 Q. And can you explain that?

2 A. Both in court and through some of her filings, I got the
3 impression that she was not happy with the fact that we were
4 prosecuting her brother.

5 Q. And what specifically did you observe that led you to that
6 conclusion?

7 A. At most court appearances, she would bring a lot of people
8 with her. There were times when she would interrupt court
9 proceedings and try to instruct her brother on how to answer
10 questions. Her brother proceeded pro se, which means he didn't
11 have a lawyer, and she would try to instruct him on how to
12 answer questions. There were these filings that said that he
13 was not subject to the laws of the United States.

14 Q. You said there were filings that said he wasn't subject to
15 the laws of the United States. Were these filings that came
16 from her or came from somewhere else?

17 A. I think they came both from her brother and from her.

18 Q. All right. Were they recorded in the docket?

19 A. Certainly the one that you pointed me to, which is document
20 136, was filed by her because it says "Notice and Demand from
21 Cherron Phillips." So I do recall that she filed. You know,
22 there were a lot of filings of this sort. A good number of
23 them came from her.

24 Q. Okay. Just to be clear, was she a defendant in the case?

25 A. No.

Shakeshaft - direct by Stump

1 Q. Was she an attorney of record in the case?

2 A. No.

3 Q. I want to go back to your lien, 13.1.

4 A. All right.

5 Q. Other than your role as the lead prosecuting attorney in
6 the case against Devon Phillips, did you have any association
7 with Devon Phillips, Cherron Phillips, or anyone in their
8 family?

9 A. No.

10 Q. Has anybody in their family performed any services for you
11 of any kind?

12 A. No.

13 Q. Do you owe any of them \$100 billion?

14 A. No.

15 Q. Do you owe any of them any money whatsoever?

16 A. No.

17 MR. STUMP: Could I have a moment, please, Your
18 Honor?

19 (Discussion off the record.)

20 BY MR. STUMP:

21 Q. Mr. Shakeshaft, at the bottom of your lien, there's a
22 signature there. Do you see it?

23 A. There are a couple of them. One is River Tali, and the
24 other appears to be at least what purports to be a notary
25 public.

Shakeshaft - cross by Solomon

1 Q. All right. Do you recognize the name River Tali?

2 A. I do from a number of the filings. A good number of them
3 purported to be on behalf of her, and they were always -- I
4 think I remember seeing Cherron Phillips, but also River Tali,
5 River Tali El Bey, a number of various iterations on River
6 Tali. So, yes, I associated those with being one and the same
7 person as Cherron Phillips.

8 MR. STUMP: Thank you. That's all I have, Your
9 Honor.

10 THE COURT: Ms. Solomon?

11 CROSS-EXAMINATION

12 BY MS. SOLOMON:

13 Q. Good afternoon, Mr. Shakeshaft.

14 A. Good afternoon.

15 Q. I'm Lauren Solomon, and I represent Ms. Phillips.

16 A. Okay.

17 Q. We've never had the opportunity to work as opposing
18 counsel?

19 A. We have not.

20 Q. You said that you recognize the name River Tali on the
21 bottom of the document, 13.1?

22 A. I do.

23 Q. You're not recognizing the signature. You're not a
24 signature or handwriting expert.

25 A. No, I'm not.

Shakeshaft - cross by Solomon

- 1 Q. You just recognize the name.
- 2 A. Correct.
- 3 Q. And there's nothing wrong with using another name?
- 4 A. Is there something wrong? No. I mean, I could posit some
- 5 reasons that it would be wrong if it was fraudulent, yes.
- 6 Q. If you have changed your name legally, there's nothing
- 7 wrong with it? It's acceptable that that would be your new
- 8 name, right?
- 9 A. Sure. I mean, I suspect you could do that.
- 10 Q. And you said that Ms. Phillips appeared to be advising her
- 11 brother who was proceeding pro se?
- 12 A. Correct.
- 13 Q. Now, if Mr. Phillips filed a document, whether or not he'd
- 14 been advised by Ms. Phillips or otherwise, that document would
- 15 be perfectly acceptable in his case, is that right?
- 16 A. In his case? Yes, it would be fine. Actually, no, not
- 17 while he's represented by counsel. So it depends on what stage
- 18 you're talking about.
- 19 Q. If he was-- well, you indicated he was proceeding pro se.
- 20 A. At times he was proceeding pro se, and at times he was
- 21 represented by a lawyer.
- 22 Q. And at the times that he was proceeding pro se, if he filed
- 23 his own documents, that would be expected.
- 24 A. Yes.
- 25 Q. And it wouldn't matter if he had been advised by someone

Shakeshaft - cross by Solomon

1 else outside of the case as long as they were in his name and
2 he was filing them pro se.

3 A. I don't -- to clarify what you mean on whether it would
4 matter or not, if they're frivolous, he can't file them even on
5 his own behalf, no.

6 Q. Well, of course, if you're filing matters pro se, they're
7 held to a different standard than if you're filing them through
8 an attorney.

9 A. That's certainly true.

10 Q. Right.

11 A. But frivolous ones would still -- I'm not going to fight
12 with you. Yes, he is entitled as a pro se defendant to file
13 documents on his own behalf.

14 Q. Thank you. Now, you said that this lien came to your
15 attention through others in your office.

16 A. I believe. That's my recollection. That is how I first
17 learned of it.

18 Q. You weren't aware that this lien had been placed?

19 A. I don't really remember when it was first brought to my
20 attention. But, no, I did not learn of it through my own
21 diligence or looking for it or anything. I had not been told
22 about it. I had learned about it. I believe I learned about
23 it at about the same time other people in my office found out
24 that these liens had been filed.

25 Q. And you didn't try to change ownership, sell or buy any

Shakeshaft - cross by Solomon

1 property during this period of time?

2 A. No, I didn't learn about this on my own. I learned about
3 it through work, through my office.

4 Q. It didn't have any impact on you in terms of any kind of
5 monetary impact?

6 A. No.

7 Q. Now, you talked about document number 136, and that was
8 filed by Cherron Phillips because it has her name on it?

9 A. I mean, I don't have an independent recollection of that
10 document right now, but it says it was filed by Cherron
11 Phillips on the docket so I assume that to be true.

12 Q. You don't have any independent recollection of what the
13 document is?

14 A. No. A lot of documents like this were filed over the
15 course of a couple of years, and I at one point had all of
16 them. I haven't gone back to look at them.

17 Q. But isn't it generally the case that documents that are
18 filed by pro se defendants are difficult to understand or --

19 A. I don't know that that's always the case. I mean, they
20 certainly are -- they tend not to be as well written or as
21 organized as documents that are written by lawyers, but we see
22 a lot of these. Take your average 2255, for example.

23 Q. In many cases, there's jailhouse lawyers who help these pro
24 se defendants out?

25 A. No doubt.

Shakeshaft - cross by Solomon

1 Q. Now, Ms. Phillips was not in any way connected to the
2 allegations against Devon Phillips?

3 A. No, she was not.

4 Q. She was not part of the investigation.

5 A. She wasn't with one exception, which I'll -- we did seek to
6 forfeit her car because her brother drove it to one of the drug
7 deals.

8 Q. But that was based on her brother's actions.

9 A. Correct. You asked whether she was connected. She was not
10 a target or a subject of the investigation; he was.

11 Q. Okay.

12 A. But we did forfeit one of her cars.

13 Q. But that was her car.

14 A. To the best of my knowledge, yes.

15 Q. And that was forfeited in his case.

16 A. Correct.

17 Q. As a result of his actions.

18 A. Correct, no doubt.

19 Q. And you indicated in this case there was no protective
20 order on the documents that were disclosed in discovery?

21 A. I don't believe so.

22 Q. There was no violation of having someone other than
23 Mr. Phillips and his attorney look at these documents?

24 A. That's my recollection. I mean, if I flipped through the
25 docket, I could clarify that, but my recollection is we did not

Shakeshaft - cross by Solomon

1 have a protective order in this case.

2 Q. It would have been pretty difficult to keep track of the
3 documents in this case anyway as there were so many different
4 lawyers at different times?

5 A. I've done it in more complicated cases than this.

6 Q. There were a number of lawyers?

7 A. No doubt, yes.

8 Q. And this case lasted over a number of years?

9 A. It did, almost five.

10 Q. Almost five. That's unusual in itself?

11 A. For a case that doesn't have a cooperating defendant, yes,
12 that is a very -- that's a long case for your run-of-the-mill
13 buy-bust drug case, yes.

14 Q. Particularly with one defendant?

15 A. Yes.

16 Q. You stated that you recognized Ms. Phillips from the
17 courtroom?

18 A. Yes.

19 Q. You never had any personal contact with her?

20 A. I have a recollection of having talked to her at least once
21 in relation to the documents that she signed or was involved
22 with in securing the bond for her brother. I don't have a -- I
23 know that I talked to her very briefly. We have other people
24 in our office who actually do the paperwork to secure a bond,
25 but I have one recollection of talking to her to help, you

Shakeshaft - redirect by Stump

1 know, a colleague of mine get that paperwork together for the
2 bond for her brother.

3 Q. And that's the ordinary process for bonds, that you have to
4 speak to family members or friends who are posting the bond for
5 that individual?

6 A. It's certainly not uncommon.

7 MS. SOLOMON: Nothing further.

8 REDIRECT EXAMINATION

9 BY MR. STUMP:

10 Q. Mr. Shakeshaft, you alluded to the fact that there was a
11 time period where Devon Phillips was representing himself.

12 A. Correct.

13 Q. I think the phrase that we've been using in the courtroom
14 so far has been "pro se," is that right?

15 A. Correct.

16 Q. "Pro se," do you understand what that means?

17 A. I do.

18 Q. Can you explain it to us so that we have it clarified?

19 A. Yeah. I mean, very briefly, under the Constitution
20 defendants have a right to a lawyer. In most circumstances,
21 they also have a right to represent themselves. When they
22 represent themselves, we say that they are proceeding pro se.
23 It means that they are acting in their own defense.

24 Q. Were there times also when Mr. Phillips was represented by
25 counsel?

Shakeshaft - redirect by Stump

1 A. Yes.

2 Q. And do you recall whether he was represented by counsel
3 when he pled guilty?

4 A. He was.

5 Q. Going back to docket entry 136, you said you didn't have
6 any independent recollection of the document. If you saw a
7 copy of the document, would it refresh your recollection?

8 A. Probably.

9 Q. Let me show you what we've marked for identification as
10 Government Exhibit 28. It's a two-page document. I'll ask you
11 to focus primarily on the first page, and after you've looked
12 at the document let me know if it refreshes your recollection
13 about docket entry 136.

14 A. Okay.

15 Q. Did that refresh your recollection?

16 A. It does in that I at the time was monitoring what was on
17 the docket. So it didn't -- I mean, it was not addressed to
18 me. It's addressed to Chief Judge Holderman. It was not
19 addressed to me, but it was filed. So I recognize it as being
20 one of myriad documents like that that I reviewed while I was
21 prosecuting her brother.

22 Q. Now, Mr. Shakeshaft, you also just testified about the
23 forfeiture of Ms. Phillips' car --

24 A. Correct.

25 Q. -- in the case against Devon Phillips.

Shakeshaft - redirect by Stump

1 A. Correct.

2 Q. What I want to ask you is this. First of all, is that
3 something that was done through the court system or something
4 that you did outside of the court system?

5 A. I think it was a forfeiture allegation that was part of the
6 -- my recollection is it was a Mercedes, and it was one of the
7 cars that Devon Phillips drove to one of the drug deals that we
8 charged him with.

9 Q. I guess what I mean is: Was this something that you did in
10 your private capacity or something that was done through the
11 power of the U.S. Government?

12 A. I didn't do anything in my private capacity. I did it on
13 behalf of the United States as facilitating the commission of a
14 federal crime.

15 Q. And the timing of it, did you know that there was this lien
16 against your property when you forfeited that car?

17 A. I didn't know that this lien was against me or this
18 property until this case was over.

19 Q. Until the entire case was over.

20 A. Until the entire case was over.

21 Q. So was that after the forfeiture of the car?

22 A. No, no, no. The forfeiture of the car would have come as
23 part of, you know, the sentencing proceeding.

24 Q. Okay. So I just want to make sure I have my timeline
25 right.

Shakeshaft - recross by Solomon

1 A. Okay.

2 Q. Do you recall the date that he was sentenced?

3 A. February of 2011, right?

4 Q. Right. Can you tell either from your own memory or from
5 Exhibit 21 approximately when that forfeiture occurred?

6 A. In the ordinary course, the forfeiture would have taken
7 place at the sentencing proceeding. So it would have been part
8 of the sentencing judgment. In fact, if I look at docket
9 number 170, which is from the sentencing, it lists a
10 preliminary order of forfeiture. So we would have dealt with
11 the forfeiture at the sentencing in February of 2011.

12 Q. All right. The date that's on your lien, can you tell us
13 the date that's on that document where it's stamped?

14 A. I can. It's in the upper right-hand corner, and it
15 indicates that it was filed with the Cook County Recorder of
16 Deeds on or about March 14th of 2011, so more than a month
17 later.

18 MR. STUMP: All right. That's all I have. Thank
19 you, Your Honor.

20 RECROSS-EXAMINATION

21 BY MS. SOLOMON:

22 Q. You said that the forfeiture is dealt with at sentencing?

23 A. Generally speaking, yes.

24 Q. Okay. You looked at the judgment, entry number 170?

25 A. Yep.

Shakeshaft - recross by Solomon

1 Q. And that says "preliminary order of forfeiture"?

2 A. Correct.

3 Q. And that's not the final order of forfeiture, is it?

4 A. It's not, and I don't remember. I didn't have any personal
5 involvement thereafter in dealing with the final order of
6 forfeiture. We have an entire forfeiture unit that deals with
7 it. So I may stand corrected. I mean, there may have been
8 proceedings for the final order of forfeiture that I wasn't
9 involved with.

10 Q. All right. Generally, a final order of forfeiture does not
11 enter at the time of sentencing.

12 A. That's correct. When I say that we generally deal with
13 forfeiture issues at sentencing, that's generally as an AUSA
14 where I deal with them.

15 Q. That's right, because you would not be involved in that
16 proceeding on the criminal side. It's turned over to a civil
17 side attorney.

18 A. Correct.

19 Q. Who then has to go through the process and get the court
20 order from the same judge.

21 A. It doesn't necessarily get turned over to a civil attorney,
22 but we do have an FLU unit.

23 Q. Forfeiture.

24 A. Forfeiture folks who deal with these things after the
25 criminal case is more or less done.

Shakeshaft - recross by Solomon

1 Q. And there's no indication on the docket when that final
2 order of forfeiture happened?

3 A. Well, there may be, but I don't know if you want me to take
4 the time to find it. There may or may not be. I don't see it
5 with a quick perusal, but I also don't remember it.

6 Q. And that goes through -- that docket goes through
7 6/14/2012?

8 A. Correct.

9 Q. That would have been following the date of the lien?

10 A. Well, yeah. Don't misinterpret the fact that I can't find
11 it by looking at it really quickly. I'm not sure whether it's
12 here or not.

13 Q. You can take the time to take a look.

14 A. Well, I would assume it would be done, because as of June
15 30th, 2011, we had filed a motion for the return of certain
16 property to Devon Phillips.

17 Q. You would assume, but the order is not in there.

18 A. No. Again, in July of 2011, there's an entry of a
19 preliminary order of forfeiture and a second. So Judge Lefkow
20 signed the preliminary order of forfeiture July of 2011, in
21 July of 2011.

22 Q. July of 2011 would have been following the March 14th entry
23 of the lien?

24 A. Correct.

25 MS. SOLOMON: Okay. Nothing further.

Shakeshaft - redirect by Stump

1 MR. STUMP: Very briefly.

2 THE COURT: All right.

3 REDIRECT EXAMINATION

4 BY MR. STUMP:

5 Q. The bottom line, Mr. Shakeshaft, did you set in motion the
6 process for forfeiting the defendant's car in retaliation or in
7 response to the filing of the lien against you?

8 A. No, I didn't know the lien had been filed. Frankly, even
9 if I had known about it, it would have been irrelevant.

10 MR. STUMP: Okay. Thank you.

11 MS. SOLOMON: Nothing further.

12 THE COURT: May I release the witness permanently?

13 MR. STUMP: Yes. Thank you, Your Honor.

14 THE COURT: Okay. Thank you, sir. We won't need you
15 again.

16 THE WITNESS: Thank you, Your Honor.

17 (Witness excused.)

18 THE COURT: Counsel?

19 MR. STUMP: Your Honor, the United States calls Judge
20 James Holderman.

21 THE COURT: Folks, I'm going to try to get you out of
22 here for the World Cup, so it may be 5:00 or ten to 5:00 that
23 we get you out of here today.

24 (Brief pause.)

25 THE CLERK: Raise your right hand.

J. Holderman - direct by Stump

1 (Witness duly sworn.)

2 JAMES FRANKLIN HOLDERMAN,

3 GOVERNMENT'S WITNESS, DULY SWORN

4 DIRECT EXAMINATION

5 BY MR. STUMP:

6 Q. Sir, could you start by telling us your full name and

7 spelling your last name for the record?

8 A. Yes. My name is James Franklin Holderman,

9 H-o-l-d-e-r-m-a-n.

10 Q. Mr. Holderman, what do you do for a living, sir?

11 A. I'm a United States District Court judge. I'm a senior

12 judge of this court.

13 Q. And "of this court," is that in this very building?

14 A. Yes, the Northern District of Illinois.

15 Q. How long have you been a United States District Court judge

16 in the Northern District of Illinois?

17 A. Since 1985.

18 Q. Is there a position in the courthouse called chief judge?

19 A. Yes, there is.

20 Q. Have you ever held that position?

21 A. Yes, I have.

22 Q. And can you tell us the dates that you were the chief

23 judge?

24 A. I became the chief judge on July 1st, 2006, and completed a

25 seven-year term that's allowed by statute on June 30th of last

J. Holderman - direct by Stump

1 year.

2 Q. You said it's a term that's prescribed by statute?

3 A. Yes.

4 Q. So how do you become a chief judge then, I guess?

5 A. You become the chief judge by being the most senior active
6 judge who at the time you're eligible to become the chief judge
7 has not reached the age of 65. I'm now older than 65, but you
8 can continue on as chief once you become the chief judge before
9 you turn 65.

10 Q. And is it possible then that you could have another cycle
11 as chief judge anytime in the future?

12 A. No, not in this district because of the number of judges
13 that we have. A smaller district, it's possible that you could
14 serve a second term.

15 Q. Can you tell us, generally speaking, what does the chief
16 judge do, and how is that different than just being a regular
17 United States District Judge?

18 A. The chief judge is the judge that administratively is in
19 charge of the court, all aspects of the court. Basically, it's
20 the chief executive officer of the court.

21 Q. Can you give us some examples of the kinds of matters that
22 would come before a chief judge?

23 A. Sure. You preside at the monthly judges' meetings. You
24 preside at court proceedings involving the entire court. You
25 set the agenda for judges' meetings. You deal with the General

J. Holderman - direct by Stump

1 Services Administration when they aren't providing adequate air
2 conditioning in the courtrooms. There are all kinds of
3 different aspects to the job.

4 Q. Is the position United States District Judge, is that
5 something that's presidentially appointed?

6 A. Yes.

7 Q. And what's the term for a district judge? How long do you
8 serve?

9 A. You're appointed for life, or as your commission says,
10 during good behavior.

11 Q. And can you tell us as a United States District Court
12 judge, are you a judicial officer of the United States?

13 A. Yes.

14 Q. I want to show you now what we've marked for identification
15 as Government's Exhibit 28.

16 A. Okay. Is that in this book up here?

17 Q. It sure is.

18 A. Okay. All right.

19 Q. All right. It's a two-page document, and what I'd ask you
20 is if you could take a look at it and let me know if you
21 recognize it.

22 A. Yes, I do.

23 Q. And what is it that I handed to you, Judge?

24 A. Well, this is a letter communication that I received in my
25 chambers back in early February of 2010.

J. Holderman - direct by Stump

1 Q. And how do you recognize this document as being the same
2 document that you received back in 2010?

3 A. Well, actually I had it photocopied this way so that the
4 envelope was also photocopied. Through an order that I
5 entered, I had this letter and the copy of the envelope placed
6 in the court file of this criminal case, 06 CR 778.

7 Q. Now, do you see the envelope in this exhibit?

8 A. Yes.

9 Q. You do. Is that on the second page?

10 A. Yes.

11 Q. And is this now a true and accurate copy of the letter that
12 you received on or about February 5th, 2010, and that you
13 placed in the document -- in the docket of court case 06 CR
14 778?

15 A. Yes.

16 MR. STUMP: Your Honor, at this time I'd move for
17 admission of Government's Exhibit 28.

18 MS. SOLOMON: Standing objection.

19 THE COURT: Admitted over objection, 28.

20 (Government's Exhibit 28 received in evidence.)

21 MR. STUMP: Your Honor, I'm going to publish this to
22 the jury in the same manner that I have been.

23 THE COURT: Okay.

24 BY MR. STUMP:

25 Q. Now, Judge Holderman, you said that you placed this in the

J. Holderman - direct by Stump

1 docket for this particular criminal case number that's listed
2 at the top, 06 CR 778, is that correct?

3 A. That's correct.

4 Q. Why did you do that?

5 A. Well, because this letter pertained to that case. As chief
6 judge, on occasion I would receive communications from members
7 of the public that relate to a particular case that's pending
8 before another judge of the court. So it was my practice to go
9 ahead and have the communication forwarded to the judge, or if
10 it seemed to be related directly to the case, have it placed in
11 that court file so that all the parties to that case could be
12 aware of the communication.

13 Q. Did you do that in your role as chief judge?

14 A. Yes.

15 Q. Do you recall who the district judge was who was assigned
16 the case?

17 A. Yes.

18 Q. Who was it?

19 A. It was Judge Joan Lefkow.

20 Q. Now, did you read this document when you received it?

21 A. I scanned through it. I have to admit I maybe didn't take
22 time to read it word for word because I realized it was related
23 to Judge Lefkow's case, United States versus Phillips.

24 Q. And can you tell us what part of the document caused you to
25 realize which case it related to?

J. Holderman - direct by Stump

1 A. Well, the individual who sent this to me said she's writing
2 this letter because she's a witness to a crime involving that
3 case, and I thought, well, then we should make it available.

4 Q. And do you see a name that's at the bottom of this document
5 sort of in the signature line?

6 A. Yes.

7 Q. What's the name there?

8 A. Cherron Phillips El.

9 Q. Did you recognize that name when you got this?

10 A. No.

11 Q. Did you know anything about this particular case before you
12 got this?

13 A. Not really, no. It was just another case in the court, and
14 I'm not aware of all the cases that are pending in our court.

15 Q. Did you have an occasion to have any further involvement
16 with either this person, Cherron Phillips, or this particular
17 case?

18 A. Yes, I did.

19 Q. How did that come about?

20 A. Well, in connection with Cherron Phillips, there was an
21 executive committee matter. With respect to the case, there
22 were other matters that came up.

23 Q. Let me start with the "other matters." What specifically
24 are you referring to when you say "other matters" came up in
25 the case against Mr. Phillips?

J. Holderman - direct by Stump

1 A. There were disruptive proceedings that were taking place in
2 that case, and as the chief judge I had to issue at least one
3 rule to show cause in connection with that matter. That wasn't
4 personally involving Cherron Phillips.

5 Q. Okay. Now, were there some issues that personally involved
6 Cherron Phillips?

7 A. Yes.

8 Q. Can you tell us what those were?

9 A. Yes. It came to my attention as the chair of the executive
10 committee that Cherron Phillips had engaged in disruptive
11 activities before the court in that case. She had filed
12 documents in that case, and she's not a lawyer. She didn't
13 represent under the law the defendant in that case, who I
14 understand was her brother.

15 Q. Is that a problem, to file documents in a case where you're
16 not a party or an attorney?

17 A. Yes, that's an abuse of the judicial process, and we have
18 to stop it. It's not the first time it's happened, nor
19 unfortunately is it the last, but we have to put an end to it
20 administratively.

21 Q. Did you take steps to put an end to it administratively?

22 A. Yes.

23 Q. What did you did?

24 A. Well, we conducted an executive committee meeting, and
25 after that meeting, after the vote of the executive committee

J. Holderman - direct by Stump

1 to place Ms. Phillips on what's called a restricted filer list
2 as well as place Ms. Phillips in the position of banning her
3 from the courthouse, except when she personally has proceedings
4 in the courthouse; then during the times when she has
5 proceedings in the courthouse, requiring that she be escorted
6 by someone from the Marshal's Service.

7 Q. Now I want to unpack that a little bit.

8 A. Okay.

9 Q. You mentioned the executive committee.

10 A. Yes.

11 Q. Can you tell us what the executive committee is?

12 A. Yes. The executive committee is the primary administrative
13 body of judges of the court.

14 Q. Who comprises the executive committee? Who sits on it?

15 A. The executive committee itself is comprised of four judges
16 and then the chief judge. It is the four judges who have the
17 longest tenure on the court, but we rotate the judges every
18 four years. So it's not the oldest four judges on the court.
19 It rotates down the line.

20 Q. Is there anybody else that comes to a meeting of the
21 executive committee aside from the chief and the four judges
22 you mentioned?

23 A. Yes. The next person in line to become the chief judge is
24 an ex officio member, the presiding magistrate judge is an
25 ex officio member, and the clerk of the court is the secretary

J. Holderman - direct by Stump

1 of the executive committee.

2 Q. You said now the "presiding magistrate judge." Could you
3 just explain that concept to us?

4 A. The presiding magistrate judge is a position appointed by
5 the district judges. It's a member of our magistrate judge
6 bench who is specifically appointed by the district judges to
7 serve in that capacity.

8 Q. Is that just for purposes of the executive committee, or
9 does the presiding magistrate judge have other special duties?

10 A. The presiding magistrate judge has other duties as well,
11 and we rotate that on a term basis as well.

12 Q. If we were to understand the presiding magistrate judge to
13 be sort of like the same thing as the chief judge but just
14 among the magistrate judges, is that a fair analogy?

15 A. Yes, that's a good way to look at it because they're the
16 chief judge of the magistrate judge bench.

17 Q. Now, at the time when this came in front of you, were you
18 chairing the executive committee?

19 A. Yes.

20 Q. And you mentioned that you took action. I want to show you
21 what we've marked for identification as Government's Exhibit
22 29.

23 A. Okay.

24 Q. It is a three-page document.

25 A. Yes.

J. Holderman - direct by Stump

1 Q. Do you recognize that?

2 A. Yes, I do.

3 Q. Okay. Well, what is Exhibit 29?

4 A. This is an executive committee order that I drafted at the
5 request of the executive committee and issued on behalf of the
6 executive committee the day after the executive committee
7 meeting that I was talking about.

8 Q. And what's the date of that order?

9 A. The date of this order is February 4th, 2011.

10 Q. Do you see your signature there above the date on the last
11 page?

12 A. Yes, that's my signature entered for the executive
13 committee, "James F. Holderman, Chief Judge."

14 Q. Judge, Exhibit 29, is it a true and accurate copy of the
15 executive committee order that you entered on February 4th,
16 2011, against Cherron Phillips?

17 A. Yes.

18 MR. STUMP: Your Honor, at this time I'd move for
19 admission of Government's Exhibit 29.

20 THE COURT: Admitted over objection of defense
21 counsel.

22 (Government's Exhibit 29 received in evidence.)

23 MR. STUMP: Now I'm going to publish this to the jury
24 as well.

25 BY MR. STUMP:

J. Holderman - direct by Stump

1 Q. Judge Holderman, did you have any involvement or
2 interaction with the criminal case against Devon Phillips or
3 Cherron Phillips after that executive committee order was
4 entered?

5 A. Yes.

6 Q. Can you tell me sort of what else happened after that?

7 A. Well, there were some other executive committee orders that
8 I had to enter as a result of further actions by her.

9 Q. I want to show you what we've marked for identification as
10 Government's Exhibit 44.

11 A. Okay.

12 Q. This is a multipage document. There's a file stamp at the
13 top. Do you recognize that document that I handed to you?

14 A. Yes.

15 Q. And what is Exhibit 44?

16 A. Well, this is not an executive committee order.

17 Q. Right.

18 A. This is a document that I received sometime in the early to
19 the middle part of February of 2011. I received it in my
20 chambers.

21 Q. And how do you recognize it to be a document that you
22 received in your chambers?

23 A. Well, I remember receiving this document, and I looked
24 through it briefly enough to determine what I should do with
25 it.

J. Holderman - direct by Stump

1 Q. What sticks out in your mind about it that allows you to
2 remember it so many years later?

3 A. Well, first of all, it's addressed to me, and it is a
4 summons to appear. It's a summons to appear at what's called a
5 common law proceeding before this "Office of Common Law
6 Sovereign American Consulate." That's the name there. It said
7 if I didn't show up, I would be arrested.

8 Q. Okay. Judge Holderman, is this a true and accurate copy,
9 what we've marked as Government's Exhibit 44, of that
10 communication you received at that time?

11 A. Yes.

12 MR. STUMP: At this time, I'd move for admission of
13 Government's Exhibit 44, Your Honor.

14 MS. SOLOMON: Standing objection.

15 THE COURT: It's admitted over the objection of
16 defense counsel.

17 (Government's Exhibit 44 received in evidence.)

18 MR. STUMP: Your Honor, may I publish this to the
19 jury? I'm sorry that I'm starting to sound redundant.

20 THE COURT: Okay.

21 BY MR. STUMP:

22 Q. You said that after you looked at it, you knew what to do
23 with it. What did you do with it, Judge Holderman?

24 A. Well, first of all, it listed that same criminal case, the
25 Devon Phillips case, and I notified the United States Marshal's

J. Holderman - direct by Stump

1 Service.

2 Q. And why did you notify the Marshal's Service?

3 A. Because the Marshal's Service are the people charged with
4 the responsibility of protecting federal judges from people who
5 would want to harm them.

6 Q. And what did you think? What was your reaction when you
7 read this?

8 A. My reaction was that these people are attempting to
9 intimidate me in some way by ordering me to appear before them
10 in connection with their client, Devon Phillips El, and they
11 were trying to influence me in my official capacity as chief
12 judge.

13 Q. And did you associate this particularly with that case
14 against Devon Phillips?

15 A. Yes, because it named him and then it had the case number
16 there.

17 Q. Did you comply with this summons to appear and show up at
18 this hearing of the common law court?

19 A. No.

20 Q. I want to show you now what we've marked for identification
21 as Government's Exhibit 30.

22 A. All right.

23 Q. This is a mailing envelope that contains a series of
24 documents, approximately 50 pages of documents. I'd like you,
25 if you could, to take a look at the envelope and take a look at

J. Holderman - direct by Stump

1 the documents inside, and after you flip through it, make sure
2 that the exhibit I handed to you is one that you recognize.

3 A. Yes.

4 Q. What did I hand you there, Judge Holderman?

5 A. Well, this is a group of documents that I received sometime
6 in late February, early March, that I turned over or asked my
7 judicial assistant to turn over to the United States Marshal's
8 Service.

9 Q. All right. Do you recognize this packet that I handed to
10 you, the envelope and everything, to be a true and accurate
11 copy or actually the original of what you received?

12 A. Yes.

13 MR. STUMP: At this time, Your Honor, I'd move for
14 admission of Government's Exhibit 30.

15 THE COURT: It's admitted over the objection of
16 defense counsel.

17 (Government's Exhibit 30 received in evidence.)

18 BY MR. STUMP:

19 Q. Judge, if you could, I'd ask you to turn a few pages in.

20 A. Okay. Do you want me to work with the original?

21 Q. Do you know what? I'll take the original back, and I will
22 publish it to the jury, starting in the back row.

23 A. Yes.

24 Q. Could you --

25 A. I've got this copy here that you've got in the notebook for

J. Holderman - direct by Stump

1 me.

2 Q. Perfect. Would you turn a couple of pages in until you
3 find a page that looks like this (indicating)? At the top, it
4 says "Office of Common Law Sovereign American Consulate."

5 A. Right.

6 Q. Do you see that?

7 A. Yes, I'm on it.

8 Q. Okay. Underneath that, it says "Common Law Bill of
9 Indictment." Do you see that?

10 A. Yes.

11 Q. Do you remember seeing this particular document?

12 A. Yes.

13 Q. And what was your reaction when you read this?

14 A. I looked at it and told my staff: I've been indicted.

15 Q. I guess I should ask, did you take it seriously, Judge?

16 What was your reaction? What did you think?

17 A. Well, I didn't take it seriously that I had been indicted,
18 but this follow-up by this organization as a result of my
19 failure to appear on the 7th of February I did take more
20 seriously because these people apparently did gather on the 7th
21 of February. They all signed this document. I did not show
22 up, and they seem to be earnest about their intimidation of me.

23 Q. And what did you do with this mailing after you received
24 it?

25 A. I sent it to the Marshal's Service.

J. Holderman - direct by Stump

1 Q. All right. Then did you have --

2 A. Or had my judicial assistant give it to the Marshal's
3 Service.

4 Q. Okay. Let me show you now what we've marked for
5 identification, well, actually it's already admitted as
6 Government's Exhibit 13.3.

7 A. Okay.

8 Q. That's a multipage document. It says "Notice of Maritime
9 Lien" at the top.

10 A. Yes.

11 Q. Do you recognize that?

12 A. I do.

13 Q. When did you first see this, Judge? Under what
14 circumstances, I guess I should say.

15 A. I saw it sometime in -- well, I'm not exactly sure of the
16 date. I saw it after this whole matter started to uncover or
17 be uncovered.

18 Q. How did you see it? How was it brought to your attention,
19 do you remember?

20 A. I believe the Marshal's Service or some law enforcement
21 person brought to my attention that this existed.

22 Q. Before that happened, did you have any idea that there had
23 been a lien placed against your property or was purported to be
24 placed against your property?

25 A. No.

J. Holderman - direct by Stump

1 Q. There are some other pages attached to that exhibit.

2 A. Sure.

3 Q. Have you looked through those?

4 A. I have.

5 Q. Do you know what they are or what they purport to be at
6 least?

7 A. Yes.

8 Q. What are they?

9 A. Well, these are indicators of the properties that relate to
10 the PIN numbers, the property identification numbers, PIN,
11 P-I-N, the property identification numbers that are listed at
12 the bottom of box 7 on the first page of this Government's
13 exhibit, Government's Exhibit 13.3.

14 Q. And the property that's associated with those PIN numbers,
15 is that property that belongs to you?

16 A. It's property that -- some of them are properties that my
17 name was a part of the chain of title in some respect. Two of
18 the properties, well, one of the properties belongs to the
19 United States Government. The other property is private
20 property, but it is across the street from the post office
21 that's just across the street from this building.

22 Q. And any of the documents there that describe property, do
23 any of them describe your personal residence?

24 A. No.

25 Q. Has this lien gotten in the way of any sort of financial

J. Holderman - direct by Stump

1 transaction that you've tried to do?

2 A. No.

3 Q. Have you attempted any real estate transactions since this
4 lien was filed?

5 A. Actually, those properties, my interest in each of those
6 properties had already ended. That's why I said my name was in
7 the chain of title. It already ended by the time the lien was
8 placed on those properties that had at one point related to me.

9 Q. So you no longer had an interest in the properties. Is
10 that what you're saying?

11 A. That's correct.

12 MR. STUMP: Your Honor, with your permission, I'm
13 going to ask this be published to the jury as well, 13.3.

14 THE COURT: Granted.

15 MS. SOLOMON: Over our objection.

16 MR. STUMP: It's in evidence.

17 MS. SOLOMON: Oh, I'm sorry.

18 BY MR. STUMP:

19 Q. Aside from your role, Judge --

20 THE COURT: 13.3 was admitted without objection.

21 MS. SOLOMON: I'm so sorry, Judge.

22 THE COURT: All right. Go ahead.

23 BY MR. STUMP:

24 Q. Aside from your role as chief judge for the United States
25 District Court, did you have any involvement with Devon

J. Holderman - direct by Stump

1 Phillips or his criminal case?

2 A. No.

3 Q. What about Cherron Phillips? Did you have any personal
4 interactions with her or a personal relationship with her
5 outside of your role as chief judge?

6 A. No.

7 Q. Has anyone in the Phillips family to your knowledge ever
8 performed any services for you?

9 A. No.

10 Q. And do you owe Devon Phillips or anyone in his family
11 \$100 billion?

12 A. No.

13 Q. Do you owe any of them any money whatsoever?

14 A. No.

15 Q. I want to show you now what we've marked for identification
16 as Government's Exhibit 24.

17 A. All right.

18 Q. Judge, this is a one-page document. Do you recognize it?

19 A. Yes.

20 Q. All right. What did I hand to you?

21 A. This is a communication I received in late February of
22 2013. It's signed Cherron Marie Phillips.

23 Q. Now, this is late February of 2013.

24 A. Right.

25 Q. So it's two years after some of these other documents we've

J. Holderman - direct by Stump

1 been looking at.

2 A. Right. I was still the chief judge, but it was years
3 after.

4 Q. And is there anything on this document that we've marked as
5 24 which allows you to tell that it's the particular document
6 that you received?

7 A. Well, I remember the document --

8 Q. Oh, okay.

9 A. -- when I received it.

10 Q. And there's a stamp on this document, too. Can you explain
11 the stamp to us?

12 A. Yes. That's the stamp that my administrative assistant put
13 on there.

14 MR. STUMP: Your Honor, at this time I'd move for
15 admission of Government's Exhibit 24.

16 MS. SOLOMON: No objection.

17 THE COURT: 24 is admitted, no objection.

18 (Government's Exhibit 24 received in evidence.)

19 BY MR. STUMP:

20 Q. Judge, what was your reaction to -- well, let me ask it
21 this way. What did you do with this letter after you received
22 it, do you remember?

23 A. I believe I had it filed in the file. I provided it to the
24 authorities at the time.

25 Q. The title on the exhibit, the title of the letter anyway

J. Holderman - cross by Solomon

1 appears to be "Forgive Me." Do you see that?

2 A. Yes, yes.

3 Q. At the bottom, it appears to be a signature above a printed
4 name. Can you read the printed name?

5 A. Yes. The printed name is "Cherron Marie Phillips."

6 Q. And what did you understand the purpose of the letter to be
7 when you got it? What did you understand it to mean?

8 A. My understanding was that Cherron Phillips had realized her
9 wrongdoing and was seeking forgiveness.

10 MR. STUMP: Okay. One moment, please, Your Honor.

11 (Discussion off the record.)

12 MR. STUMP: Your Honor, that's all the questions I
13 have. Thanks.

14 THE COURT: Ms. Solomon?

15 CROSS-EXAMINATION

16 BY MS. SOLOMON:

17 Q. Good afternoon, Judge Holderman. I'm Lauren Solomon, and I
18 represent Ms. Phillips in this matter.

19 A. Good afternoon.

20 Q. You said that you had no personal contact with

21 Ms. Phillips, is that correct?

22 A. That's correct.

23 Q. And you also didn't have any personal contact with Devon
24 Phillips, her brother?

25 A. That's correct.

J. Holderman - cross by Solomon

1 Q. And you were not the presiding judge during the course of
2 the Devon Phillips trial?

3 A. That's right. Judge Joan Lefkow was the presiding judge.

4 Q. The only relationship you had to that case was matters that
5 were brought to you as chief judge.

6 A. That's correct.

7 Q. Now, you have Exhibit 24, Government's Exhibit 24 in front
8 of you?

9 A. I do. I have a copy of it in front of me, yes.

10 Q. Okay. And Ms. Phillips entitles it "Forgive Me"?

11 A. Yes, it's titled "Forgive Me."

12 Q. And she goes on to state that she was influenced by other
13 people.

14 A. Words to that effect, yes.

15 Q. And that she was -- that it was her mistake and she had no
16 intentions on causing harm.

17 A. Words to that effect, yes.

18 Q. And she also states in there that she understands that
19 public servants have very difficult jobs and she was sorry to
20 have made -- to have been one of those difficult people with
21 whom public servants had to deal.

22 A. Yes, words to that effect, that's what it says.

23 Q. So it clearly was an apology letter.

24 A. That's right. It was.

25 Q. And you said that you had received the summons and you had

J. Holderman - cross by Solomon

1 turned that over to the U.S. Marshal?

2 A. That's right.

3 Q. But there was no -- you never came in contact with anyone,
4 whether Ms. Phillips or anyone else, who signed the summons as
5 a result of it?

6 A. I have in my official capacity as the chief judge, and I
7 never had any personal contact with any of those people.

8 Q. Right. But you didn't take this summons seriously to the
9 effect that you would have gone. You did not feel any legal
10 obligation to go based on the summons.

11 A. I did not -- well, first of all, it wasn't an official
12 summons of the United States Government or of a governmental
13 body. It was this group that had called itself the Common Law
14 Sovereign Consulate, and I felt no legal obligation to go.

15 Q. Because they're not a legally sanctioned, recognizable
16 organization that has that power.

17 A. And because I thought what they were trying to do was
18 influence me.

19 Q. Influence you in the prosecution of the Devon Phillips
20 case?

21 A. Influence me and intimidate me as the chief judge of the
22 United States District Court for the Northern District of
23 Illinois.

24 Q. And how would that have helped Devon Phillips?

25 A. I have no idea because I wasn't about to be influenced or

J. Holderman - cross by Solomon

1 intimidated.

2 Q. But you didn't have any influence on the case itself
3 because you weren't the presiding judge.

4 A. That's right.

5 Q. So if that was their intention, it was somewhat misguided.

6 A. That's correct. It happens on occasion. People think the
7 chief judge can overrule or override the decisions of any of
8 the other judges in this court, and that's just not true.

9 Q. Okay. Now, Government's Exhibit 28 is called
10 "Administrative Notice and Demand."

11 A. Yes.

12 Q. Does that mean anything in a criminal case?

13 A. No.

14 Q. Is this a responsive criminal document?

15 A. No, this is or would be a frivolous document in connection
16 with that case, but it referenced that case.

17 Q. It referenced it, but it certainly wasn't a responsive
18 criminal document.

19 A. No. This individual, when I received this document,
20 Government's Exhibit 28, this individual was telling me that
21 she was a witness to a crime involving that case, and I didn't
22 know what further that was. So I thought the presiding judge
23 ought to know and that the parties to that case ought to know.
24 So that's why I had it filed in that case, so that the judge
25 and the parties would know.

J. Holderman - cross by Solomon

1 Q. Because you were concerned that something unusual or
2 illegal would have been involved in that case.

3 A. I didn't know, but I thought Judge Lefkow ought to know.
4 If Judge Lefkow knows then the parties ought to know as well.

5 Q. And at that time, you did not know who Cherron Phillips
6 was.

7 A. No.

8 Q. And you didn't have any familiarity with 06 CR 778.

9 A. Not other than I knew it was a case that was pending in our
10 court and that Judge Lefkow was presiding over it. I pulled
11 the docket sheet so I knew what was going on in that case from
12 the court entries and the filings that had occurred, and that's
13 what I knew when I placed this or had this placed in the court
14 file.

15 Q. And as a lawyer or a judge, does this language make any
16 sense?

17 A. Well, some of it does, yes, in different contexts.

18 Q. But not in the criminal context.

19 A. Well, I mean, "outside the venue and subject matter,"
20 that's a concept. The word "crime," of course, is a criminal
21 concept.

22 Q. So you sent it on to Judge Lefkow, and Judge Lefkow dealt
23 with it in any way she thought she should?

24 A. I had it filed in the case file. I didn't send it directly
25 to her where only she would know.

J. Holderman - cross by Solomon

- 1 Q. I'm sorry. I misspoke.
- 2 A. I wanted the parties to know as well as her.
- 3 Q. That's correct. It was a docket entry.
- 4 A. Correct.
- 5 Q. Okay. Now, with respect to Government's Exhibit 44, is
- 6 this a document that is responsive to a criminal case?
- 7 A. I don't understand your question.
- 8 Q. Well, would a document like this appear as a responsive
- 9 pleading in a criminal case pending in the Northern District of
- 10 Illinois?
- 11 A. No.
- 12 Q. The summons to appear, in order to have a summons to appear
- 13 in this courthouse, it would have to come from the U.S.
- 14 District Court.
- 15 A. Correct.
- 16 Q. And this does not.
- 17 A. That's right. They didn't want me to appear in this
- 18 courthouse. They wanted me to appear where it was indicated.
- 19 Q. At a Chicago Public Library, the Woodson Regional Library.
- 20 A. Right, at 95th and Halsted.
- 21 Q. That's not a courthouse.
- 22 A. No.
- 23 Q. It's not a federal courthouse.
- 24 A. It's a public regional library.
- 25 Q. So it wouldn't be someplace where someone was summoned to

J. Holderman - cross by Solomon

1 appear in a criminal case.

2 A. Correct.

3 Q. And with respect to Government's Exhibit 30, that was the
4 common law bill of indictment. That wasn't issued by the
5 Northern District of Illinois.

6 A. No.

7 Q. As a matter of fact, it's not issued by any recognized
8 court in this state.

9 A. That's correct.

10 Q. Again, it's issued from the "Office of Common Law Sovereign
11 Consulate"?

12 A. Right. What was important to me was it was issued,
13 according to the signatures, on February 7th, 2011.

14 Q. On the date that you were supposed to appear.

15 A. Right. So obviously those people were together, and they
16 knew I didn't appear.

17 Q. But they also never had any contact with you.

18 A. Not that I'm aware of.

19 Q. Not subsequent to this non-appearance on February 7th.

20 A. Not that I'm aware of, other than, you know, the lien.

21 Q. Which actually wasn't against any property of yours.

22 A. Not against any property that I owned at the time that the
23 lien was placed on it.

24 Q. And some of it was United States Government property?

25 A. Yes, one was the MCC.

J. Holderman - cross by Solomon

- 1 Q. Oh, the MCC. So you have no interest in the MCC.
- 2 A. Only as chief -- only as a district judge.
- 3 Q. You have no monetary interest in the MCC.
- 4 A. That's correct.
- 5 Q. And the other property was also U.S. Federal Government
- 6 property that the lien was on? You mentioned there were two
- 7 pieces of property?
- 8 A. There were five pieces of property on my demand, my
- 9 \$100 billion demand, five pieces of property.
- 10 Q. Okay.
- 11 A. One was the MCC. One was 204 South Clark, which is right
- 12 across the street from the post office, just a block from here.
- 13 Q. Is that federal property?
- 14 A. I'm not aware that it is federal property. Then there were
- 15 three properties that my name was listed in the chain of title.
- 16 Q. And that had been something you had previously owned.
- 17 A. I previously owned, or one was actually a mistaken entry.
- 18 They had listed my name because I entered an official order in
- 19 connection with that property, and my name was on the chain of
- 20 title as the person who entered the order.
- 21 Q. And so your name has never been removed, but it never
- 22 showed that you had any kind of ownership in that piece of
- 23 property.
- 24 A. Other than the way it was erroneously stated, yes.
- 25 Q. And that was in the title of that property?

J. Holderman - cross by Solomon

1 A. Yes, the search, the title search.

2 Q. And the 204 South Clark Street property, is that federal
3 property?

4 A. Not that I'm aware of.

5 Q. So that's just random property?

6 A. Well, it's right across the street, a block away from here.
7 We're at 219 South Dearborn. Across the street would be the
8 even numbers. There's the post office. There's Federal Plaza.
9 There's the post office. Then across Clark Street is a large
10 building, and 204 is in that building.

11 Q. So under this kind of randomness, any piece of property in
12 this area could have had a lien on it as well?

13 A. I don't know.

14 MR. STUMP: Your Honor, objection.

15 THE COURT: Sustained, lacks firsthand knowledge.

16 BY MS. SOLOMON:

17 Q. Okay. So the three properties, two of them, your name was
18 in the chain of title and you did have some connection to?

19 A. Well, all three I had some connection to. Two I had had an
20 ownership interest in.

21 Q. Okay. A prior ownership interest.

22 A. Correct, it was not an ownership interest at the time the
23 lien was placed.

24 Q. So there was no monetary impact on you whatsoever from
25 these liens.

J. Holderman - cross by Solomon

1 A. No.

2 Q. And you said you didn't recall exactly when you became
3 aware of the lien against your property or of the lien in
4 Government's Exhibit 13.3?

5 A. I know it was after Mike Dobbins explained to me about his
6 lien.

7 Q. Now, subsequent to the entering of the executive order
8 against Ms. Phillips, are you aware that there has not been any
9 kind of conduct that has required -- that's been in violation
10 of the executive order?

11 A. Which order is that?

12 Q. That is the first order that was entered. I'm sorry.

13 MR. STUMP: February 4th, Exhibit 29.

14 BY MS. SOLOMON:

15 Q. I'm sorry. That's Exhibit 29. That was the order that was
16 entered February 4th.

17 A. Yes, I had to enter it. When I was chief judge, I had to
18 enter additional executive committee orders because of
19 Ms. Phillips' further conduct.

20 Q. Was that related to filings?

21 A. It was related to filings, yes. It's all -- they're all
22 spelled out in the executive committee docket sheet.

23 Q. Essentially, the majority of the executive order is related
24 to the filing of documents.

25 A. I don't know what you mean by "the majority."

J. Holderman - cross by Solomon

1 Q. Well, okay. If you would, look at page 2 of 3 of the
2 executive order that was entered on February 4th, 2011.

3 A. There were two parts to this because she engaged in two
4 types of misconduct.

5 Q. That's correct. So I'm just looking at page 2.

6 A. Yes.

7 Q. It is directed towards the filing of documents?

8 A. Yes.

9 Q. And essentially they had to be pre-screened before they
10 would be accepted for filing.

11 A. Yes, that's the normal procedure for a restricted filer.

12 Q. Okay. Then the other part of it was that she would have to
13 be accompanied when in the courthouse?

14 A. Well, first of all, she couldn't come to the courthouse
15 unless she had a court proceeding involving herself. Then when
16 she came to the courthouse, she had to report to the front desk
17 in the lobby, and then she had to allow herself to be escorted
18 so as to minimize the disruption. That's the normal procedure
19 for those types of individuals who engage in disruptive
20 conduct.

21 Q. So that's a procedure that exists in the Northern District
22 of Illinois.

23 A. That's correct.

24 Q. And it's a standard procedure.

25 A. Yes.

J. Holderman - redirect by Stump

1 Q. And as far as you know, there has not been -- in the course
2 of the proceedings in this case, there have been no violations
3 of the executive order with respect to entry into the
4 courthouse.

5 A. By "this case," you mean the case that's on trial?

6 Q. The case against Ms. Phillips.

7 A. Yes, I'm not aware of any such problems.

8 MS. SOLOMON: Okay. Thank you, Judge.

9 REDIRECT EXAMINATION

10 BY MR. STUMP:

11 Q. Judge, you were asked about whether the lien had any
12 monetary impact on you, and I think you said no. Is that
13 right?

14 A. That's correct.

15 Q. Did it have any other impact on you?

16 A. Well, yes. It's concerning, and it was concerning, like
17 anyone else, that people would take such action. So it's been
18 a concern, but I never let it influence or intimidate me.

19 MR. STUMP: Thank you. That's all I have.

20 MS. SOLOMON: Nothing further.

21 THE COURT: May I release Judge Holderman from future
22 testimony?

23 MS. SOLOMON: Yes.

24 MR. STUMP: Yes, Your Honor.

25 THE COURT: You're excused.

1 THE WITNESS: Thank you, Your Honor.

2 (Witness excused.)

3 THE COURT: Okay, folks. I think I've worked you
4 hard enough today, so we will start tomorrow morning at 9:00
5 o'clock. Please be here a few minutes before then. I remind
6 you not to discuss the case with anybody. Don't do any
7 independent research.

8 The first thing I'm going to say tomorrow morning is:
9 Is there anybody on the jury who did not follow the Court's
10 instructions and discussed the case with someone or did any
11 independent research? And nobody will raise their hands
12 because you will all follow my orders tonight.

13 (Discussion off the record.)

14 THE COURT: Okay. So if you would follow the
15 courtroom security officer, he'll give you instructions on how
16 to get back here tomorrow.

17 (Proceedings adjourned to 9:00 a.m., June 17, 2014.)

18 C E R T I F I C A T E

19 I, Patrick J. Mullen, do hereby certify that the
20 foregoing is a complete, true, and accurate transcript of the
21 trial proceedings had in the above-entitled case before the
Honorable MICHAEL J. REAGAN, one of the judges sitting in said
court in Chicago, Illinois, on June 16, 2014.

22

/s/ Patrick J. Mullen

23

24

Official Court Reporter
United States District Court
Northern District of Illinois
Eastern Division

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